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PRESSURE GROUPS AND PARTIES IN BRITAIN*

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When an American looks at British politics, one of his first questions is likely to be, "Where are your pressure groups?" Since the subject has hardly been studied and most works on British government largely ignore it,[1] he may feel some surprise when he finds that, even if compared with American examples, pressure groups in Britain are numerous, massive, well-organized, and highly effective. In this article I wish in the first place simply to sketch the pattern of pressure group activity in Britain and to illustrate the influence of pressure politics on the policy of British governments in recent years. This cannot be done, however, if the analysis is confined to pressure groups alone. For their aims, methods, and effectiveness are profoundly affected by the context within which they act. We all recognize, for instance, the differences from the American pattern of pressure politics which result from the discipline of British parties and the centralized power of cabinet government. In addition to these elements of structure, I wish to stress the cultural context within which British parties and pressure groups act and which, standing in sharp contrast with that of the American political system, accounts for many of the differences of political behavior between the two countries.

This cultural context of politics, comprising a complex structure of values and ideologies, cannot be explained away, it hardly need be said, in terms of economic development. We distort the facts if we suppose that new values and ideologies arise only as reflections of new patterns of behavior resulting from objective economic development. On the contrary, political values and ideologies profoundly condition the aspirations which may emerge from economic development, determining in no small degree how people group themselves, what they demand as groups, and how they demand it. The culture of a society may provide foci around which political conflict tends to crystallize—for example, the sense of social class in Britain. It may also—and this is particularly important if we are to understand the present convergence of party policies in Britain—provide a consensus on basic social and political values which endures through sharp conflicts of class and party and which may provide the means for their resolution.

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* This article is based on a paper given at the Conference on the Comparative Method in the Study of Politics held under the auspices of the Social Science Research Council at Princeton, N. J., June 2–4, 1955.

[1] In a recent authoritative article, however, Prof. W. J. M. Mackenzie of Manchester University has sketched out the field of inquiry and indicated topics for research. "Pressure Groups in British Government," *British Journal of Sociology*, Vol. 6, pp. 133–48 (June, 1955).

Nor should we stress exclusively the merely limiting and "boundary-maintaining" functions of culture. Beyond its function of conditioning those aspirations which emerge from objective development of the economy or of other aspects of the society, the cultural context also has a certain capacity for itself initiating social and political change.[2] In certain respects and at certain times, the culture of a society develops autonomously, producing new forms which are neither a reflection of, nor even a response to, changes in other parts of the social system, but which have arisen spontaneously from the existing culture. In such autonomous cultural developments we may sometimes be obliged to seek the ultimate origins of great revolutions in public policy and of the mutations of the aims and methods of pressure groups.

Without embarking on so difficult an inquiry into social dynamics, however, we can observe the interplay between the cultural context and certain familiar mechanisms of the political system, such as the competition for votes in a two-party system. In this interaction we shall find important clues to understanding the development not only of public policy, but also of the pattern of pressure politics in Britain. The analysis is bound to be complicated. On the one hand, pressure groups have their role—a most important one—in the development of policy. Yet at the same time we cannot understand them unless we also look at the changing context of culture and political structure with which they continually interact.

What is the bearing of these conclusions on the group theory of politics? This depends on what you take that theory to mean. If it means that the political scientist concerned with the origins and formation of policy may confine himself largely or solely to the study of interest groups, then the group theory is not a satisfactory conceptual framework for the study of British politics, or, I should add, American politics. The principal failing of such an approach is that by concentrating on groups and their diverse interests, it fails to direct analysis to the cultural context within which interests emerge and act. In the study of American and British politics, such neglect means passing over important elements of consensus which are shared throughout the political system and which involve not only "rules of the game," but also positive social and political values. Such ideal factors of integration, precisely because they are widely diffused throughout a system, may not strike the eye as sharply as do the differences of contending groups, yet they are indispensable to stable and effective government. Furthermore, not only are forces of integration neglected, but also the function of parties and of the party system may be seriously distorted by concentrating analysis on interest groups. The tendency will be to stress the sense in which a political party is a coalition of interest groups and a mechanism for winning elections, but to neglect the sense in which it may be the bearer of values and ideology and an instrument in their development. Such functions, as we shall see, have been performed by parties and the party system in Britain in the prolonged and complicated process by which the present general acceptance of the welfare state and the controlled economy has emerged.

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[2] See Talcott Parsons, *The Social System* (Glencoe, Ill., 1951), Ch. 9, "The Processes of Change of Social Systems."

I. TYPES OF INTEREST REPRESENTATION IN BRITAIN

If we had some way of measuring political power, we could quite possibly demonstrate that at the present time pressure groups are more powerful in Britain than in the United States. That at any rate is the impression of the present writer after making some preliminary inquiries in this largely uncharted field. Looking at the process of policymaking of the recent Churchill Government, for example, one finds hardly a field of domestic policy in which the effects of organized pressure are not profoundly marked. This is true, for instance, of policy toward agriculture, labor, veterans' pensions, old age pensions, teachers' salaries, equal pay for women, commercial television, and—to bring in an important "sectional" interest—the Lancashire textile industry. Nor have the demands of groups been reflected only in the policy of the Government and the party in power. The Opposition—whether Labor or Conservative—also has been affected and the competition between parties for the votes of the same group is often so intense as to modify profoundly what one might regard as "conservative" or "socialist" principles.

The old age pensioners, for instance, are a large and growing group, whose members, although not as effectively organized as they might be, are nevertheless sharply aware of their interest, of which the competition between the parties continually serves to remind them. If the Tories were to follow what they call their "net and ladder" principle of social policy[3]—i.e., aid for those most in need, the opportunity to rise for the others—they might well prefer to put additional funds into an increase in public assistance, rather than spread them among various types of benefits, some of which are inevitably paid out to persons not greatly in need.[4] They have chosen, however, to meet Labor's promise to restore all benefits to the level of purchasing power which they had in 1948,[5] proposing indeed to make good the rise in prices since 1946.[6] In 1954, as an election year drew near, both party conferences put the raising of old age pensions in the forefront "and," tartly commented the *Manchester Guardian*, "on the domestic side, not much else besides." Opportunely, the Government's increases came into effect only a short time before the General Election of 1955.[7]

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[3] See "The Ladder and the Queue," from a broadcast by the Rt. Hon. Sir Winston Churchill on Oct. 8, 1951. In *The New Conservatism: An Anthology of Post-War Thought* (London, 1955), pp. 24–25.

[4] See "Pensions in Perspective," *The Economist*, Dec. 11, 1954, pp. 883–88. The article also discusses the "bidding up" of pensions at election time.

[5] The Labor Party, *Challenge to Britain: a Programme for Action* (London, Dec., 1953), p. 25

[6] *The Economist*, July 24, 1954, p. 261.

At the present time, British parties avoid pitched battles of opposing social philosophies and carry on the political fight through small raids, designed to capture votes from particular interest groups. In general, this tactic, which makes party programs and government policy vulnerable to pressure from organized groups, resembles the present pattern of pressure politics in the United States. And in the past, as in the present, one finds similarities as well as striking differences in the ways in which interests have brought influence to bear on government in the two political systems.

In British history, pressure groups go back at least to the 18th century—witness the various organizations which agitated for parliamentary reform from the 1760's to the 1790's—and the great period of reform in the first half of the 19th century provides many examples of highly effective pressure politics. There was the National Political Union of Francis Place, who, in Bernard Shaw's words, founded "the science of putting pressure on Parliament from outside," Wilberforce's Anti-Slavery Society, Thomas Attwood's political unions, O'Connell's Catholic Association, and that model of successful pressure groups, the Anti-Corn Law League. Yet in Britain as in the United States such organizations, founded primarily for the purpose of putting pressure on government and usually concerned with only a single piece of legislation, need to be distinguished from another type of organization which in both countries in recent generations has become far more important and effective. The latter is best represented by the organizations of the great interest groups of the modern economy—for example, trade unions, trade associations, farmers' groups, and professional associations—although their methods and form of organization may be adopted by other groups, such as war veterans. These organizations commonly have a large dues-paying membership and a considerable private bureaucracy. More important, they normally have other functions than their political ones—for instance, the internal regulation of their members or constituent organizations—and their concern with government policy does not come to an end with the passage of some particular act, but continues and indeed may be heightened as policies favorable to them are adopted. In spite of the earlier development of industrial capitalism in Britain, organizations of this type seem to have come into existence in about the same period in both Britain and the United States, beginning in the latter part of the 19th century.[8] Once the pattern of the permanent bureaucratic organization did emerge in Britain, however, it developed farther than in the United States, British organizations of this type today showing a greater degree of concentration and including a far larger fraction of their potential members.[9]

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[7] 535 H. C. Deb. 146–148 (Dec. 1, 1954) and Cmd. 9338 for the increases and the timetable for their coming into effect.

[8] See the discussion of professional associations by Sidney and Beatrice Webb, who noted the growth of such organizations in membership and power in the decades before World War I and the increasing recognition of them by government. *New Statesman*, Vol. 9, "Special Supplement on Professional Associations," April 21 and 28, 1917 and Vol. 5, "Special Supplement on English Teachers and their Professional Organization," Sept. 25 and Oct. 2, 1915. Both were special reports prepared for the Fabian Research Department at a time when guild socialism and pluralism were much in vogue.

Pressure groups, whether of the special purpose or the permanent bureaucratic type, have flourished in both Britain and the United States. Going back far into British history, but rarely found in the United States, is another device by which interests have been linked with the political process. This is the M.P. who "represents" a particular interest in the legislature, not covertly or illicitly, but openly and with general acceptance. For in spite of Burke's speech to the electors of Bristol, British custom has always been far more tolerant than American of the legislator who is intimately connected with outside interests. One may doubt that the subsidy for political expenses which Richard Nixon received from his well-to-do supporters would cause much excitement in Britain where not only the M.P.s. sponsored by trade unions but also quite a few others receive help from interested organizations in the form of contributions to election expenses and even to personal income.[10]

The history of the "interested" M.P. has yet to be written. The nature of his connection has ranged through many variations: from sponsorship, which involved subsidies to election expenses or personal income, through office-holding in an association with interests in government policy, to the perhaps less restricting ties of ownership of property and membership in a profession or trade. Under the aristocratic constitution, theory, as well as practice, permitted, indeed institutionalized, such functional representation.[11] Although in the Victorian reaction against placemen and patronage a high valuation was put on the financial independence of M.P.s,[12] they continued to be connected with interests by such ties as property-owning and to act as spokesmen for them in the

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[9] For instance, virtually all trade unions—as compared with our, until recently, three major organizations—belong to the TUC and the total trade union membership runs not much under 50 per cent of the total working force—as compared with less than a quarter here. The National Farmers' Union is the only significant organization of farmers in Britain and it includes about 90 per cent of its potential membership, while here there are three important organizations, including together probably no more than 30 per cent of all farmers. In Britain there is only one important veterans' organization—the British Legion—while we have the Legion, VFW, AMVETS, and the AVC. In the field of business organization, the story is rather different. The comprehensive organizations in Britain are the Federation of British Industries, the National Union of Manufacturers, and the Association of British Chambers of Commerce. These three organizations work together smoothly, however, and one does not get the impression that in political action British business is more divided than American.

[10] An M.P. who wishes to speak in the House on a matter in which he has a direct pecuniary interest—e.g., through the ownership of property—is obliged to "declare his interest." Sponsorship involving a subsidy, however, does not entail such a declaration.

[11] For the practice, see Sir Lewis Namier's anatomy of the 18th-century House of Commons in his *Structure of Politics at the Accession of George III*, 2 vols. (London, 1929). For the theory, see, for example, Sir Robert Harry Inglis' great speech against the Reform Bill in 1831, when he defended the House as an assembly including representatives of all the great interests of the country. (2 *H.C.Deb.*, 3rd ser., 1090–1139, esp. at 1109 and 1133 [1 March 1831].)

[12] Norman Gash, *Politics in the Age of Peel* (London, 1953), pp. 106–9.

House.[13] The scores of M.P.s. who were railway directors are the best-known examples. Not many degrees removed from this type of connection was the practice of sponsorship, which developed in the latter part of the 19th century. Candidates and M.P.s. subsidized by trade unions became the most numerous of this class. But there were also other examples. For instance, the National Union of Teachers from shortly after its foundation in 1870 has sought out candidates from all major parties who have been willing to advocate its views in the House and who in turn have received a subsidy for election expenses from the organization. Perhaps in recent years the House has become less tolerant of such ties.[14] But there remain many M.P.s who are acknowledged to be spokesmen for outside interest groups and many who receive contributions to election expenses and personal income from non-party organizations. Along with M.P.s who have interests arising from directorships, investments, and the like, the House includes, as Sir Winston Churchill has said, "those people who come to represent particular bodies, particular groups of a nonpolitical character." "We are not supposed to be an assembly of gentlemen who have no interests of any kind and no associations of any kind," he continued. "That is ridiculous. That might happen in Heaven, but not, happily, here."[15]

II. QUASI-CORPORATISM AND THE STRUCTURE OF THE WELFARE STATE

The M.P. who acts as the acknowledged spokesman for an interest in Parliament has been very important in the past. But although he will still be found today, he has greatly declined in importance as a means of interest representation in comparison with that more modern figure, the private bureaucrat of the permanent, large-scale pressure group. Indeed, when we compare the pattern of interest representation of the Victorian period with that of today, the most significant change is the shift of power from the older to the newer type, from the "interested" M.P. to the private bureaucrat. Yet even in the new pattern there are elements of continuity with the old. In contrast with American theory and practice, the "interested" M.P. was a more "legitimate," a more closely integrated part of the representative system. Similarly, today the massive pressure groups of Britain are, in comparison with the American pattern, far more intimately linked with the apparatus of government, especially of government administration.

During the war this association was even closer than at present, many trade associations being at least in part virtually embodied in the administration.[16] In spite of the relaxation of control since the war, there remains a system of "quasi-corporatism" which leaves no important organized group without a channel of influence and a real share in the making of decisions. The main substance of this system is continual, day-to-day contacts between public bureaucrats in the government departments and private bureaucrats in the offices of the great pressure groups—the Farmers' Union, the British Legion, the National Union of Teachers, the Federation of British Industries, the British Medical Association, and countless trade unions and trade associations. A great deal can be done at the "civil service" level, especially in view of the opportunities for discretion which must be left to civil servants by the vast network of rules and orders under which Britain's welfare state is run.[17] As an official of one organization put it, "Very much can be done which is in effect policy-making—what you try to do is to create an opinion among officials which is favorable to stretching the regulations."

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[13] Bernard Cracroft, "The Analysis of the House of Commons, or Indirect Representation in *Essays on Reform* (London, 1867), pp. 155–90.

[14] In 1947 the House resolved that it is a breach of privilege for a member to enter into a contractual agreement with an outside body "stipulating that he shall act in any way as the representative of such outside body" in Parliament. This has not, however, prevented M.P.s from representing the views of outside organizations in the House, nor has it prevented outside bodies from continuing their subventions. So long as the "complete independence and freedom of action" of the M.P. is respected, such arrangements are legitimate. See 440 *H.C. Deb.* 285 and in general the debate on this question, col. 284–365, and the report from the Committee of Privileges on which the debate was based (H.C. No. 118, 1946–7).

[15] *Report, Committee of Privileges* (H.C. No. 118, 1946–7), Minutes of Evidence, p. 8.

Sometimes this connection is formalized by the inclusion of representatives of the pressure group in government committees. The Federation of British Industries, for instance, has representatives on some 70 government committees and similar bodies; the Trades Union Congress has representatives on 60 government committees. The old practice of a formal deputation to a minister is also still used, the classic example being the bodies of dignitaries and officials from various pressure groups which call upon the Chancellor of the Exchequer or Financial Secretary in the early months of the year to present their views on what ought to be done in the Budget.

The formal deputation is less important than it once was, but meetings with ministers are, of course, indispensable for major action. (Even then, as one pressure group official pointed out, you are likely to be successful only if you have prepared the way by winning over the permanent secretary of the department and other key officials.) The annual determination of the prices for agricultural products which will be guaranteed by the government provides such occasions.[18] In these prolonged negotiations, on which depend the expenditure of hundreds of millions of pounds, civil servants from the Ministry of Agriculture and certain other departments deal with experts from the National Farmers' Union. The delegation from the N.F.U. will be led by its president, Sir James Turner, who, probably attended by other higher officials of the Union, at critical points will carry the negotiations up to the Minister of Agriculture. At this level, not only the technical arguments—of which Sir James happens to be a master—will be deployed, but also suggestions of electoral retaliation and, so it is said, hints of the withdrawal of farmers' cooperation from certain administrative tasks in which their help is virtually indispensable, in particular the county agricultural committees. Since money is involved, the Chancellor of the Exchequer will at some time be brought in, on which occasion it will make a difference to the outcome if he believes—as a recent Chancellor is reported to have said—that "the farmers are the swing vote."

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[16] At the outbreak of the war, for instance, part of the organization of the British Iron and Steel Federation was taken over by the Iron and Steel Control of the Ministry of Supply and its then president was made the Iron and Steel Controller. (G. D. N. Worswick, *The Raw Materials Controls*, Tract No. 257, The Fabian Society; London, 1944.) The general type of control in the Ministry of Supply was a converted trade association. (*Government and Industry;* Fabian Research Group; Research Series No. 83; London, 1944.)

[17] In 1950 the Committee on Intermediaries reported on the relations between government departments and the great bureaucratic pressure groups. It referred to these relations as "organized liaison" concerning not only individual cases, but also "the general formulation and execution of policy" and constituting "an essential and recognised part of the machinery of government." (*Report;* Cmd. 7904; March, 1950, par. 6.)

[18] For discussion of the annual price reviews, see the annual reports of the N.F.U.; statements in the House of Commons by ministers; the White Papers normally issued stating the results of the price reviews; comment in farmers' periodicals, especially *The British Farmer, The Farmer's Weekly,* and *The Farmer and Stockbreeder,* as well as the general press, especially *The Times, Manchester Guardian,* and *Economist,* the last of which has the best running comment on agricultural policy.

Confrontations of ministers, however, normally develop out of the immense mass of daily informal contacts at the civil service level. Again and again officials of pressure groups will mention that they continually ring up their "opposite numbers" in the departments and discuss a problem with them on a first name basis—an informality of contact often made easier by the fact that the private bureaucrat worked with the public bureaucrat in the same ministry during the war. Nor is the initiative confined to the pressure groups. For instance, quite commonly when the Ministry of Education has to draw up a new regulation (which may or may not have ultimately to be submitted to Parliament), it will send its draft of the regulation to the headquarters of the National Union of Teachers to get their comments and criticism. It is understandable that the Union finds it hardly worthwhile any longer to send a formal deputation to the minister, although not many years ago, before it had won its present "recognition," it fought strenuously for the right to such audiences.

A recent summary of certain aspects of the work of the Federation of British Industries by its Director-General in its general outlines also applies to many other pressure groups:

> There are . . . many consultative committees consisting of official and industrial representatives; and almost every day the F.B.I. is approached by one or another Government Department for advice. But consultation is not really effective unless it takes place before rather than after the event. On the Government side, the process may be a nuisance, but it generally saves a lot of trouble in the long run. So we are constantly impressing on Government Departments the need for them to consult and to consult early. . . .
>
> Of course the great bulk of the work of Government is administration, not policy; and most of what I have called the F.B.I.'s policy work lies in the field of administration. Let me put it another way. Parliament may decide upon a line of policy. . . . Industry may or may not like the policy; and the F.B.I. will say so on its behalf. But when the issue is decided, it may make a world of difference to industry how the policy is implemented and translated through administration into action.[19]

In the representation of interests, the M.P.'s role has declined, but not disappeared. How old and new methods may be combined is illustrated by the successful campaign by the National Union of Teachers in 1954 to defeat the proposed increase in teachers' contributions to their superannuation fund. Having won a modest victory when the Minister of Education accepted the recommendations for an increase in teachers' salaries presented by an advisory committee—on which the Union has a majority of the teachers' representatives—the Union set out to defeat the Minister's announced intention of raising the superannuation contributions.[20] Possibly, as the Union said, the proposed increase had not been discussed at the committee level, although it hardly seems likely that the teachers' representatives did not know about it. At any rate, being unable to win its point in dealings with the Ministry, the Union turned to more public methods. With 20 M.P.s as members—four of them "sponsored" candidates—the N.U.T. had a fair basis in Parliament to work from. Although all but one of these were on the Labor side, in this instance the Union picked up considerable support from Conservatives, led by a forceful and frequent rebel, Sir Robert Boothby. Within a week or so of the introduction into the House of the bill to raise contributions, branches of the N.U.T. were sending protests to the M.P.s from their constituencies. Within the House of Commons and within the parliamentary parties—the education committees in each party being used—protests were made by M.P.s. Early in February the parliamentary Labor party officially took a stand in opposition to the bill. Later that month the second reading was postponed and after at least two cabinet meetings at which the question was discussed it was put off until autumn. In October the Minister of Education was obliged to resign, and shortly afterwards the new Minister announced the withdrawal of the bill.[21]

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[19] Sir Norman Kipping, *The Federation of British Industries* (London, 1954), p. 6.

Contrasts of this system of "quasi-corporatism" with the relations of pressure groups and government in the United States, if not sharp, are at least suggestive. For obvious reasons, the individual legislator, and the legislature generally, under cabinet government occupy a less important position. While "rebel" groups and party committees from time to time have influence, there are, for instance, no organs, formal or informal, comparable in power with our legislative committees. Not only do interest groups enjoy a greater degree of concentration, but the government with which they deal also is more highly centralized than ours: greater power to exert pressure is linked up with greater power to act. Whether that power to act will be used or not will depend on various factors with which we shall be concerned later on. Usually—this is the point to stress—if you can bring over the Minister and the Chancellor of the Exchequer you have not much else to worry about. Compare the position of the American pressure group which, if it wants positive action, must win its battle at many different points—committees in both houses, the presidency, the secretary, the bureau chief. It is no wonder that our pressure politics is so much noisier and less tidy than Britain's.

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[20] 522 H.C. Deb. 1331 (Jan. 22, 1954) and *Manchester Guardian*, Jan. 22, 1954, p. 14.

[21] On the activities of the N.U.T., apart from those invaluable and obvious sources, *The Times* and *Hansard*, see its annual reports and *The Schoolmaster and Woman Teacher's Chronicle*, a weekly periodical published by the Union.

The pattern of pressure group relations with the administration, however, in broad outline is not unfamiliar to an American. There is perhaps better articulation in Britain resulting from the fact that normally only one rather than several major pressure groups represents each interest and that more effective contact with the members of the interest group results from its usually including a larger fraction of its potential membership. Perhaps also relations are to a greater degree formalized and institutionalized in Britain than in the United States, although, of course, our national government is clustered with advisory committees and many pressure groups have continual relations with departments and bureaus.

For many British pressure groups there is a striking contrast in their present relations with departments as compared with their relations in the not too distant past. For these groups—the trade unions are the outstanding example—there was a long period of struggle for "political" recognition. Today not only are trade unions brought into frequent and earnest consultation through such means as the important National Joint Advisory Council to the Minister of Labor, but also no matter what government is in power there is always "access," the doors are open. Replying to the traditional vote of thanks to members of the press at the conclusion of the 1945 T.U.C., the correspondent for the *Times* said:

> You have no longer any need to thunder; you have only to whisper and Ministers tremble and Field-Marshals bend their knees. How very far away are those days when a few top-hatted, frock-coated gentlemen made a promenade of the Government offices in Whitehall respectfully carrying resolutions passed by Congress, leaving them at the door, extremely happy if they saw a permanent secretary, and most handsomely flattered if by accident they stumbled across a Minister.[22]

A further principal difference from the American pattern is obvious: it is that the amount of "business" transacted between pressure groups and departments is larger and more important. This results not only from the differences between a unitary and a federal system—compare the importance of educational policy at Westminister and in Washington—but also from the fact that Britain has a welfare state and a controlled economy. Perhaps there was a time when most pressure groups wanted government to stop doing things. But today in Britain as in the United States nearly all want—apart from tax matters—positive action: subsidies, benefit payments, services, favorable regulation such as tariffs.[23] The more positive the state, the larger the amount of business transacted between government and pressure groups is likely to be. Quite naturally, it has been the programs of the welfare state and of the controlled economy around which pressure activity has tended to cluster, giving rise to the system of "quasi-corporatism."

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[22] Quoted in Allan Flanders, *Trade Unions* (London, 1952), p. 64.

[23] The Committee on Intermediaries reported in 1950 that 21 departments of government received some 19,000,000 applications each year from members of the public for "licenses, permits and various kinds of benefits." "The Departments," it said " . . . have one thing in common. Whatever their particular branch of business, they all have the disposal of something which members of the public want—whether that be a license to acquire material needed for carrying on a business, permission to act in a certain way or the grant of some monetary or other benefit" *Report*, (cited in note 17), par. 6.

The structure of centralized parties and cabinet government is part of the framework within which British pressure groups operate. Such structures will tend to concentrate pressure on the ministerial level, but they do not determine whether the means of exerting that pressure shall be the M.P. or the private bureaucrat. This depends upon other factors, principally the rise of permanent, bureaucratic pressure organizations, a development which itself may be connected with not only the extension of the franchise, but also the decline of the governing class. As many English observers hasten to point out, what has happened in this regard is that old elites have simply been supplanted by new ones. In the previous social situation, interests could express themselves through traditional channels with little or no need for organization. Social class, the country house, the "Old Boy network" sufficed as channels of influence.[24] From that day the members of the House of Commons have not declined in virtue or ability. What they clearly have in lesser degree is the social prestige of the members of Victorian or Edwardian days. On the other hand, the new elites, if they do not enjoy the "deference" accorded the old, nevertheless have effective authority in relation to their organizations and clienteles—a striking example was the remarkable power of trade union leaders to restrain their members from making wage demands during the austerity drive from 1948 to 1950.

Whatever the reasons for the rise of such pressure organizations, they have been drawn to and ever more closely linked up with the bureaucracy by the expansion of the scope of policy and the delegation of power to ministers and, in effect, to civil servants which has been consequent upon that expansion. In addition to the party and constitutional structures, the structure of the welfare state and controlled economy also constitutes part of the framework within which pressure groups operate.

III. CONVERGENCE OF PARTY POLICY: EFFECT ON PRESSURE GROUPS AND PARTIES

A more diffuse, but no less important element of context is suggested by the acceptance by both major parties of the welfare state code and certain basic economic controls. On this topic we need first to say something to substantiate it; then we can examine some of its effects before turning to the most interesting problem of how to explain the reasons for it.

The substance of the first point is that the Tories have moved over to an acceptance of the welfare state as developed by Labor after the war, while Labor has very largely receded from its old doctrinaire position on nationalization and economic planning.[25] Recent Tory budgets from 1951 to 1955 continued the steady increase in the amounts spent on the social services, housing, and education, and retained the heavy taxation of the well-to-do by which Labor financed the welfare state. With regard to economic controls, both parties accept certain basic forms, viz., those necessary to maintain full employment, protect the balance of payments, and encourage productivity. As a result, while significant differences remain, British parties today are in closer agreement on "fundamentals" than they have been for many years.

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[24] Writing of the struggle over the Education Act of 1902, Beatrice Webb contrasted "teachers' politics," which was practiced by the N.U.T., with "teachers' diplomacy," which was practiced by the representatives of the "elite" secondary schools. "Teachers politics" meant lobbying, deputations to ministers and M.P.s, and other forms of public pressure; "teachers' diplomacy" meant informal contacts with persons of influence on the part of secondary school teachers who in general belonged to the same social class. *New Statesman,* Vol. 5, "Special Supplement on English Teachers and their Organization," Sept. 25 and Oct. 2, 1915.

What are the effects on the activity of pressure groups? One is that they are not obliged to defend the basic legislation or policy on which depend the benefits they receive. Any government, they can be sure, will follow the same favorable policy toward them and their clientele. Also, to a very great extent pressure groups themselves demand no further major changes in policy or legislation. There is, for instance, no thorny question between government and labor such as that presented by the Taft-Hartley Act. And indeed when the trade unions want a piece of legislation, such as the night baking or pneumoconiosis acts of 1954, they need hardly do more than suggest their desires to the government and action is taken. Even when there is a change of policy, as has occurred in the sphere of agriculture under the Tory Government, the basic pledges of the Act of 1947 of "guaranteed prices and assured markets" are upheld. Given this agreement on the basic code, the activity of each pressure group is mainly a matter of getting "more." Corresponding to this tactic of the pressure group is the tactic of the parties, which, as has been mentioned before, is essentially one of attempting to win marginal segments of voters by concessions of "more."

On the side of party tactics, then, we often see the parties making advances to groups toward which they have been unsympathetic or even hostile in the past. This may involve something like a "reversal of alliances," as leaders, taking for granted the votes of traditional supporters, sacrifice or skimp the interests of these for the sake of winning votes normally attached to the other party. More than a trace of this appears in the Conservative policy toward trade unions, as is suggested by complaints on the Tory right wing that for a Conservative Government they have been exceedingly free with employers' money in their attitude toward wage claims. But the relations of Labor with the farmers are an even better example. Here we have a capitalist class—indeed, if we follow Marx, the first of the capitalist classes to emerge in England—to whom, according to E. G. Gooch, the head of the agricultural workers' union, "Labour in office proved to be their best friend."[26]

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[25] For elaboration of this point, see D. E. Butler, "American Myths about British Political Parties," *Virginia Quarterly Review*, Vol. 31, pp. 46–56 (Winter, 1954); and S. H. Beer, "The Future of British Politics: An American View," *Political Quarterly*, Vol. 26, pp. 33–43 (Jan.–Mar., 1955).

[26] *Report of the 52nd Annual Conference of the Labour Party* (London, 1953), p. 145.

Nor was Labor in Opposition ready to turn against the agrarian capitalist, as a parliamentary incident of the Fall of 1953 illustrates. Horticulture was left outside the guarantees of the Act of 1947 and the industry felt itself inadequately protected against foreign imports by the low duties carried over from prewar times and by the system of quotas imposed by the Ministry of Agriculture. In the administration of the quota system, there were the closest relations between the departments and the Central Horticultural Committee and other specialized committees of the Farmers' Union—which, for instance, closely associated the representatives of the producers of tomatoes with the ministry when the pattern of quotas was decided each year and enabled them in time of excessive imports to obtain a total embargo.[27] What was desired, however, was a system of higher duties, but this ran into GATT which prevented Britain from raising duties against foreign imports unless they were also raised against Commonwealth and Empire countries—the "no new preference rule." Asserting the unimportance of horticultural imports from the Commonwealth and Empire, some said there was no good reason for not raising the tariffs against them. But this was not the way that doughty imperialist L. S. Amery and his considerable faction in the party looked at the matter.[28] Hence, the President of the Board of Trade was obliged in the Fall of 1953 to go to Geneva and get permission to raise these tariffs only against foreigners. Thereupon a Board of Trade order providing for increases upon 18 varieties of imported fruit and vegetables was laid before the House and put down for debate on December 10th.

What would Labor's position be? The main issue it was pressing at the time was the rising cost of living, as might have been expected from a party which found its main support among the less well-to-do urban consumers. On December 8th the Food and Agriculture Committee of the parliamentary party decided by a majority of one vote to oppose the increases. The resistance to this step was led by the chairman of the committee, the former Minister of Agriculture, Tom Williams, who said he would resign if the meeting of the parliamentary party as a whole did not reverse the decision. At that meeting the next day, Williams was strongly supported by E. G. Gooch and also by George Brown, former parliamentary secretary of the Ministry of Agriculture and a representative of the Transport workers, a union which also includes quite a few agricultural workers. The electoral angle was stressed by speakers who echoed Gooch's remark at the conference a couple of months before that "you cannot have a Labour Government again with overwhelming power until you win many rural seats."[29] With only 117 of 294 Labor M.P.s voting, the committee decision was reversed 81–36 and on December 10th in the House the order went through with support from both parties.

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[27] *Annual Report.* National Farmers' Union (London, 1953), *passim* and report of Glasshouse Produce Committee, pp. 78 ff.

[28] See his attack on GATT at the Conservative conference of 1953, *Verbatim Report,* p. 63.

[29] *Report,* p. 147.

The next day the Manchester *Guardian* accused the Government of yielding to "pressure from the National Farmers' Union," deplored Labor's "hypocrisy," and generally lamented "the infinite squeezability of politicians." At the annual meeting of the N.F.U. a few weeks later, Mr. Gardener, chairman of the Central Horticultural Committee, took full credit on behalf of the Union for the change in policy.

The other side of this tendency of parties to "reverse alliances" is the greater independence of pressure groups in relation to parties. It is sometimes thought that a distinction between American and British pressure groups is that the American are more independent of party, while the British are more likely to be closely attached to or even embodied in a party. This distinction would accord with a division in the electorate running more along the lines of economic class. But just as the division of the electorate between the two major parties today in Britain in terms of economic class is not greatly different from that between American parties outside the South, so also are some major pressure groups probably as independent of party as the American and certainly more independent than was the case in Britain during the interwar period.

Some stray elements of big business prefer Labor—two directors of Unilever are socialists—and there are not a few very rich men sitting as Labor M.P.s. It remains, however, that business and its organizations must strongly favor the Conservatives, now as in the past. With the trade unions, there has been a change. Not only have they, like business, lost many of their previous terrors of the party of the opposite class, but they also have received solid benefits and friendly treatment from the Tory Government. The extraordinary ease with which the railway workers succeeded in getting what they wanted in 1953 and 1954 is a case in point. One should not overrate the importance of the man or the seriousness of his intent, but at the Labor conference of 1953, the then chairman of the General Council of the T.U.C. advocated in an interview that the trade unions should withdraw from the Labor party and the T.U.C. should divest itself of its present political activities. A principal advantage, he claimed, would be that thereby the T.U.C. would be less embarrassed in its dealing with a Tory Government and with industrialists.[30]

The most marked change, however, has occurred with regard to the farmers. Before World War II, the National Farmers' Union, then having only about half its present membership, was substantially a pressure group within the Tory party. According to Jennings, its support was extremely useful to Tory candidates in rural areas, while both Laborites and Liberals were very hostile to it.[31] Like the trade unions, it had a political fund which it used to sponsor candidates, invariably Tories. During and since the war, its membership has doubled; its expert staff has been greatly enlarged; it has acquired for the first time a full-time president, who has held office since 1948; and in recent elections it has not sponsored candidates, instead encouraging its members to join the party of their choice and then try to get on the party selection committees which choose parliamentary candidates. No one has any accurate idea of how British farmers vote, but it is not unlikely that as nationalization of land drops out of Labor's policy statements, quite a few—in some districts perhaps as many as 25 per cent—vote Labor. Many others are sufficiently independent to mean it when they threaten to abstain, if the government is not more considerate of their demands.

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[30] *Manchester Guardian*, Oct. 2, 3, 19, and 29, 1953.

[31] W. Ivor Jennings, *Parliament* (Cambridge, Eng., 1939), pp. 211–12.

How are we to account for this convergence of party policies? Its effects today we have noted: as compared with the American pattern, the structure of the welfare state and the controlled economy associates pressure groups more closely with the administration and makes pressure groups more concerned with the decisions made at the administrative level. The agreement between parties frees pressure groups from the need to defend the basic policies favorable to them and enables them to be more independent of party. Furthermore, and this is perhaps the most important effect, the consensus on the values of the welfare state and controlled economy—e.g., the high importance of "security" —provides a favorable context within which pressure groups can urge their demands. But how did this convergence of party policy develop? Can we explain it, in turn, in terms of the operations of interest groups and their organizations or need we look at the problem on a different level of analysis from that of interest and group activity?

IV. EFFECT OF VALUES AND IDEOLOGY UPON INTERESTS

One of the compulsions tending to produce this convergence of policy proceeds from the balance of social forces which has emerged in Britain in recent years. By this I mean that today many groups in the society hold what is almost a veto over public policy in their power to refuse their work, their talents, their capital, or simply their willing cooperation in carrying out public policy. John Strachey squarely stated the problem for a future Labor Government when he observed that if such a Government came to power pledged to a radical redistributionist policy, there might well be a flight of capital.[32] But the threatening possibilities are not all on one side. An equally serious disturbance would face any Tory Government which attacked the welfare state. Trade unions as well as financiers and managers have a veto power, and in the years before 1951 the chances of widespread industrial unrest if a Tory Government came to power were held up as a warning to voters. In fact, these dangers did not materialize simply because the Tories yielded all along the line, even to the point of dropping the demands of their 1950 manifesto that "a final settlement" be arranged concerning "contracting out" and compulsory unionism. We can expect a future Labor Government to show a similar respect for realities.

In a more individualist society, where groups are less highly organized and less aware of their interests, it is more likely that important reforms can be put through even though enjoying the support of only a majority. But in Britain today the extent of group power, nurtured by the welfare state and the quasi-corporatism of the relations of government and the economy, means that the country has come close to the point at which a society must move with near unanimity or not at all. The idea of a balance among social forces seems attractive. Yet there is a real danger that instead of promoting agreement and a convergence of policies, such a balance may produce the "pluralistic stagnation" of the later years of the Weimar Republic, or the *immobilisme* of France today. We may strongly suspect, therefore, that beyond the balance of social forces there are factors of integration which make this situation in Britain promote agreement rather than stagnation.

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[32] "The Powder and the Jam," *New Statesman and Nation*, Vol. 47, pp. 148–49 (Jan. 23, 1954).

A similar conclusion is suggested if we examine the effects of the present electoral situation, in which the voters are not overwhelmingly in favor of one of the parties. Such a division in itself may discourage radicalism or reaction and this effect is heightened when we examine how the situation itself has arisen. The principal development was the reform of Tory policy following upon the smashing defeat of 1945 and the welcome with which the fundamental measures of the welfare state were received by the electorate. In this reform of policy we see a familiar mechanism: the leaders of the party, thinking of the problem of winning votes, bring along the rank and file—against the resistance of some of the militants—in an acceptance of measures proved to be popular by the Opposition. This move—led mainly by Butler, Eden, and Macmillan—began soon after the defeat of 1945, centered even more around the question of accepting the heavy taxation involved by the welfare state than around nationalization, and was clinched by the acceptance of the *Industrial Charter* at the Brighton conference of 1947. Nor did it cease then, but continued on into the period of the Tory Government—as in the numerous concessions to pressure groups since 1951. Labor, perhaps because it had not, until the 1955 General Election, suffered a severe defeat, has made its corresponding movement to the right with less internal agreement in the party. Yet that shift has taken place and again one of the best illustrations is the party's tortuous wooing of the farmers—in spite of the fact that nationalization of land was one of the earliest of the doctrines of the socialism which it espouses.

The mechanism of electoral competition can be clearly observed, but how far does it take us in explaining the present general acceptance of the welfare state and the controlled economy? This competition is carried on within a cultural context which limits and guides what politicians will offer in their bids for votes and what demands groups will assert with expectation of finding support. We need, therefore, to look at the ideological and evaluative factors in the situation and their relationship to interests.[33]

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[33] The terms "value" and "ideology" are used in the senses given them by Talcott Parsons in his *Social System* (Glencoe, 1951), *passim* and esp. at pp. 12 and 349. A value is a standard for selection among the alternatives which are intrinsically open in a situation and may be cognitive, appreciative, or moral. Following Parsons, I distinguish between values and need-dispositions (*ibid.*, pp. 12–13). This distinction is important because values have the function of integrating social action not only directly, but also indirectly by conditioning need-dispositions. Without such integration a stable society would be impossible. Similarly, a principal theme of this article is the integrative function of values in the political system.

In Britain one of the most important changes on the plane of ideology has been the Keynesian "revolution" in economics. Without entering into the important controversies which concern economists who accept the broad framework of Keynesian thought, we can see that the main principles of Keynesianism have profoundly altered people's ideas of what government can do by way of comprehensive control of the economy. In 1929, when Britain was suffering from the chronic unemployment which had continued from the postwar slump, the then Chancellor of the Exchequer, Winston Churchill, could rest his budgetary policy on "the orthodox Treasury doctrine, which has steadfastly held that, whatever might be the political or social advantages, very little additional employment and no permanent additional employment can, in fact, and as a general rule, be created by State borrowing and State expenditure."[34]

Not only the "Treasury view," but also the ideas of active political circles have been liberated by Keynes from that doctrine. That government can act effectively to maintain economic equilibrium in the form of full, or near-full, employment without inflation is a belief which any government in Britain today will accept. Moreover, this belief in more or less simplified form has penetrated widely throughout the electorate. There is no doubt some very small number of voters who reject the ideology on which it is based: the Marxists, for example, and possibly some few remaining adherents of strict laissez-faire, such as the late Sir Waldron Smithers. Whether every member of the British electorate accepts it, however, is not particularly important. The relevant fact is that it is accepted by people of different parties and various interest groups and constitutes part of the framework of common belief within which they carry on their activities.

Keynesianism is not simply the belief of a group; it is part of the ideology of substantially the whole political community. Within the collectivity defined by its acceptance, it limits and guides what groups will demand of government and provides a commonly accepted standard by which demands of groups can be judged. To a significant extent, for instance, wage earners themselves understand the probability that wage increases will heighten inflation, endanger the balance of payments, and threaten their own and others' economic wellbeing.

The meaning I give to "interest" is based on Parsons' concept of need-disposition. Like a need-disposition, an interest is not simply "appetite," a genetically given need, but is appetite conditioned by social experience. Appreciative values, for instance, will condition the objects in which the ego seeks its gratification—e.g., the profit motive is not inborn—and will be more or less integrated with the developing moral values of a society—e.g., the rise of the moral values of the welfare state will enhance the desire of individuals and groups for economic security. Also, moral values may directly encourage or inhibit the assertion of felt needs. As John Plamenatz has pointed out in a perceptive note, people are not likely to assert demands for the satisfaction of needs unless they believe them to be justifiable. "Interests," *Journal of Political Studies*, Vol. 2, pp. 1–8 (Feb., 1954).

Yet an interest remains a claim for a satisfaction of the individual, or of the smaller collectivity as distinguished from the larger within which the claim is asserted. While, therefore, interests and values are closely related, the interests pursued within a political system must be distinguished from the primary integrative elements of the system, its values.

[34] 227 H. C. Deb. 54 (April 15, 1929).

Such understanding was one factor which made possible the "austerity" policy, the "wage freeze," and the continued budgetary surpluses of today.

"Vulgar" Keynesianism is not the only new element in the economic ideology of the British political community. To locate the other elements, we should need to go back to the development of a knowledge of economic controls which began with the "neo-mercantilist" economic policy of the National Government,[35] went rapidly forward under the tightly planned economy of the war, and has been added to and modified in the postwar years. The general understanding of what government can do to control foreign exchange, the volume of imports, and capital investment has been immensely expanded since the days when the Labor Government sat by impotently while the Great Depression of 1929 swept over the British economy. It is hard to believe today that one of the most doctrinaire socialists in that Cabinet and its Chancellor of the Exchequer, Philip Snowden, was also a firm believer in the gold standard, a balanced budget, and absolute free trade. With respect to the practices of economic nationalism, British socialism has accepted as much from the Tories as they have accepted from it. The familiar formula that the radical party in Britain leads while the conservatives merely follow along and consolidate, is only a half-truth.

No less important than ideology are the new values which have developed and which support the general consensus on the welfare state and the controlled economy. These are primarily political in that they define the role and goals of government and the rights and obligations of individuals and groups in relation to government. Inseparable from these political values are new moral and appreciative standards. Supporting the welfare state policy of income redistribution, for instance, are moral standards which have redefined the rights and obligations of private property. The new obligations are discharged largely through government, but in some cases—e.g., the relations of employers and wage-earners—they are expressed in direct relations between two groups. In some respects, also, these moral standards ease the obligations of property; in the welfare state, for instance, the charitable activities of voluntary associations are not felt to have the same claim they had formerly.[36]

In accord with these developing political and moral values, appreciative standards show a movement away from the aspirations and standards of success of the era of a more vigorous capitalism. A sociologist friend of mine touched on this point while summarizing the results of a social survey he had just concluded. The working classes generally, he said, as they improve their material conditions, adopt the consumption habits of the lower-middle classes. For instance, they not only leave the tenements of the slums, but also reject life in so collectivist a habitation as an apartment house, preferring their own "semi-detached villas." They do not, however, adopt the familiar middle-class aspiration to own a shop or business. On the contrary, they prefer to remain wage-earners, rather look down on the small shopkeeper, and use their surplus energies to ensure that they get the maximum possible benefits from the welfare state.

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[35] See Joseph Schumpeter, *Capitalism, Socialism and Democracy*, 2nd ed. (London, 1947), pp. 368–70.

[36] For discussion of this and other problems of the voluntary association in the welfare state, see Lord Beveridge, *Voluntary Action* (London, 1948).

When a British author finds a likeness between the new Britain and the United States except "in the case of personal acquisitiveness,"[37] this is a major exception. In all classes, if my experience is a fair guide, the profit motive is under such a cloud as would be inconceivable in the United States. Along with this decline of interest in capitalistic acquisitivesness, has gone a complementary rise in the evaluation of and concern for "security."

The point to be made here is how this change helps explain certain characteristics of British pressure groups and especially certain significant differences of their behavior from that of pressure groups in the United States. One of the problems in the study of the Farmers' Union, for instance, is how it manages to keep the large and more efficient farmers working in harmony with the small and less efficient farmers. In quite important ways, the policies of the Union seem in the postwar years to have shown a bias toward the small and inefficient and against the large and efficient. Yet it is rare that one finds evidence of disharmony or disagreement—in striking contrast, of course, with American experience.

A particularly puzzling example occurred in the autumn of 1953, when the Union was carrying on its prolonged negotiations with the government over the new arrangements for meat marketing. Without going into the technical details of the Union's proposal, we need note merely that in return for guaranteed prices for their meat, the producers were ready to turn over all profit on sales above those prices to the government.[38] The arrangement would have been clearly unfavorable to the high-quality producer, yet the proposal had been framed and put forward by the Union without significant protest from its branches and its members. When an explanation was asked for, the apparent conflict of interest between large and small producer was recognized, but again and again it was stressed that even the large and efficient producers were more concerned with security than with the opportunity to make large, but risky, profits.

The modification of interest by value is perhaps the most interesting aspect of these developments for the student of pressure groups. For the sake of the stability of the political system, it is fortunate that such a modification has taken place. Otherwise, the strain between new values and old interests might be excessive. But values and ideology, of course, have other functions in this situation. In general, they order interests in the estimation of the members of the political collectivity, excluding some potential demands from public utterance, raising others up from previous exclusion, changing the priorities attached to certain interests, heightening or lowering the intensity with which they may

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[37] Donald Chapman, "What Prospect for the Labour Party?," *The Political Quarterly*, Vol. 25, pp. 205–16 (July–Sept., 1954).

[38] *Manchester Guardian*, Oct. 16, 1953, p. 12.

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be asserted. It is in the different pattern of these cultural elements that the American senses the profoundly different "atmosphere" of British pressure politics.

The present convergence of party policy expresses this consensus on new values and ideology. Not only does this consensus affect the intrinsic nature of the interests asserted and provide an integrating framework within which the electoral competition and the struggle of pressure groups is carried on; it also has a somewhat similar function with regard to the balance of social forces. "Objectively" considered, the interest groups of Britain today are in many ways similar to those of Weimar Germany. Yet instead of "pluralistic stagnation," we find a highly cooperative society and an effective system of government.

V. THE ENDURING CONSENSUS OF BRITISH POLITICS

Interest groups, far from explaining the present consensus of British politics, have themselves been significantly affected by it. How then are we to explain the cultural development which produced that consensus and through it the present convergence of policy? Obviously the analysis of such a development is complicated. Here one or two angles may be examined which are suggested by the comparative approach.

A part of the underlying mechanism is laid bare when we examine certain of the justifications which were used by Tory leaders when they were leading the way in the reform of party policy after 1945. At the conference of 1947, for instance, in the debate on the motion which the opponents of the new policy had chosen for their principal attack, Mr. Eden wound up for the reformist side. In his peroration, he proclaimed the party's belief in "a property-owning democracy," "the family," and "the Christian virtues." Then came an interesting passage:

> We are not a Party of unbridled, brutal capitalism and never have been. Although we believe in personal responsibility and personal initiative in business, we are not the political children of the laissez-faire school. We opposed them decade after decade.
>
> Where did the Tories stand when the greed and squalor of the industrial revolution were darkening the land? I am content with Keir Hardie's testimony: "As a matter of hard dry fact, from which there can be no getting away, there is more labour legislation standing to the credit account of the Conservative Party on the Statute Book than there is to that of their opponents."[39]

The note which Eden struck was what some call "Tory democracy" and others "Disraelian make-believe." It was not, at any rate, a note one would expect to be sounded by a prominent Republican leader at a party convention—even in the bad, old days of Democratic majorities. Yet in the postwar period one finds it running through the programs and pamphlets of the Conservative party and the speeches of its leaders and back-benchers, such as the members of the "One Nation" group. These themes of "Disraelian make-believe" are at least a means of sweetening with "Tory principle" the harsh lessons of electoral defeat. The delegates at a Tory conference are hardly cheered by the thought of heavy taxation of the middle classes. Yet their potential complaints can be converted to silence and even into mild applause by the appeal to these themes[40] which would be received with bewilderment by a Republican partisan gathering.

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[39] *Verbatim Report of the Proceedings of the 68th Annual Conference,* Oct. 2–4 1947. National Union of Conservative and Unionist Associations (London, 1947), pp. 42–43.

That these themes are effective with the active members of the party indicates that they have some real part in the operative ideals of the party. Nor does the evidence support the notion that party leaders are not genuinely moved by them. In fact the Tory party does have a long history of social reform and the intimate memoirs, as well as the domestic policies, of leaders such as Baldwin and Neville Chamberlain indicate that their readiness to fight socialism with the weapons of socialism sprang from more than political expediency.[41] In short, there is a real and long-standing difference between British conservatism and American conservatism—in spite of Russell Kirk's efforts in the contrary sense.

Comparison with the operative ideals of American politics, however, suggests an even broader contrast. In his study of the liberal tradition in America, Louis Hartz has elicited important aspects of this contrast.[42] His thesis—to which I can merely refer here—hinges on the fact that the absence of a 'feudal'' tradition in this country has made the premises of our political action radically different from those of Europe, and so, of course, from those of British politics. Lacking such a tradition and a true aristocracy to embody it, we have not undergone the experience of class conflict between an aristocracy and a bourgeois middle class and have not had the sense of class which such a tradition and such a conflict have perpetuated in Britain. American politics, therefore, lacks the British ideology which defines the political situation in terms of class and guides interests in the direction of class solidarity. Such an hypothesis, for instance, helps us understand why the interests of workingmen could not be satisfied by Lib-Lab reform, but were drawn off into the formation of a party of class. In contrast, American politics, whatever the party, is dominated by a "Lockean liberalism" which greatly impedes the development of a strong socialist movement just as it has excluded a conservatism of the British type. Our politics, therefore, is a politics in which virtually all contending groups accept the premises of "democratic capitalism," while the politics of Britain and Europe tends to center around class conflicts which may bring in question fundamentals of the social order.

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[40] For example, at the 1953 conference, when a resolution was moved welcoming "the reduction in taxation already made" and urging "further economies in national expenditure," an addendum was offered specifying that this should be done "whilst maintaining and improving the social services." While the supporters of the original resolution were interrupted several times by hearty applause—for example, when asking for cuts in the housing subsidies—those supporting the addendum were heard in silence. Nevertheless, they met with no opposition and were mildly applauded at the end of their speeches; the addendum was accepted by the original movers and the resolution as amended passed unanimously. *Verbatim Report*, pp. 43–49.

[41] See Keith Feiling, *Life of Neville Chamberlain* (London, 1947), and on Baldwin, Thomas Jones, *A Diary with Letters, 1931–1950* (London, 1954).

[42] *The Liberal Tradition in America* (New York, 1955).

Not incompatible with Hartz' analysis is a further point which I should like to suggest. Granting that at times—such as the interwar years—British parties were in this sense more deeply divided than American parties have been in recent generations, it is also possible to discern in their differing positions a certain consensus which stands in contrast with the "Lockean" consensus of American politics. In the Tory tradition, as has often been remarked, there is a strong strain of paternalism and a certain "organic" view of society radically opposed to rugged individualism. Yet, within limits, these operative ideals of government responsibility and social solidarity are, and have been, accepted by British socialists. They too would agree with Burke on that un-American proposition that "government is a contrivance of human wisdom to provide for human wants" and that "men have a right that those wants shall be provided for by this wisdom." The "collectivism" of the late 19th century Herbert Spencer rightly called "the New Toryism." If we may use the names of political philosophers as symbols of these complex attitudes, we may say that both British parties fall within the values and ideology of Hooker rather than those of Locke.

It follows that not only were the interests of workingmen colored by class consciousness, but also the doctrines of the party which they produced provided for wide government responsibility and an enforcement of heavy obligations of individuals to one another. In its elements of class consciousness, the British political tradition provides foci around which sharp cleavages of political doctrine may crystallize. That same tradition, however, also contains certain enduring elements of consensus which may encourage the convergence of these opposing doctrines. In promoting the present consensus on the welfare state and the controlled economy, this broader consensus seems to have played an important part.

In this process, British parties have been not only coalitions of interest groups, but also bearers of the values of classes and of the collectivity. They have not, however, merely reflected changing values, but have taken an active part in their development and propagation. In the interwar years, for instance, objective economic developments, such as unemployment and Britain's declining international position, were the immediate stimulus to political action. The interests of groups—e.g., the farmers' demands for tariffs or the trade unions' demands that unemployment benefits be maintained—were "data" of the situation facing political leaders. One cannot, however, reduce the policies of the parties to reflections of such interests or mechanical combinations of them. Thought and research did a good deal to give direction and shape to interests which were often in themselves confused and formless. The work of the Fabians is an example; so also is the contribution of the research department of the Conservative party, which Neville Chamberlain set up in 1929 and which he used in developing the "great policy" of protection and imperial preference. Furthermore, the Tory tradition with its emphasis upon nation and Empire served to give direction to policies which party leaders developed in an effort to solve the objective problems and to win and maintain the electoral support of interest groups. The controlled economy of Britain today owes as much to these Tory innovations as to the proposals or experience of Labor.

Often the consequent government action greatly stimulated the growth of pressure groups (as in the case of the Farmers' Union), or even called them into existence (as was often the case with trade associations). In such cases, the initiating influence in policy came from the government, after which the interest group, having been given a definition of its interests and perhaps also a vehicle for expressing them, took up the task of pressing its claims upon government. Important as pressure groups have been in British politics, we cannot think of them as making policy by pushing an inert government or party this way and that. There has been interplay; and again and again government has taken the initiative, thereby crystallizing a latent interest and stirring it into political action. Individual leaders, of whom Lloyd George is an outstanding example, may perform a similar function.

If the Tory emphasis was on the side of foreign economic policy, that of Labor was on the side of internal welfare policy. How the interests of the trade unions combined with the intellectual socialism of the Fabians and the emotional socialism of the I.L.P. to produce the doctrines of the welfare state need not be gone into here. The point is that in the case of Labor doctrine as well as Tory doctrine there was development. Moreover, the Tories also had a concern with welfare policy, just as Labor had proposals for a planned economy. To this extent, therefore, the possibility was open for each to adopt from the other more precise policies in fields where it had not fully elaborated its views. Hence, on the plane of party doctrine, as well as that of ideology and values, conditions favoring a convergence of policies existed. Given these favoring elements in the cultural context, the mechanism of electoral competition would tend to bring about a convergence of party policies. Responding to such guidance of public opinion by party competition, the nature and pattern of interests in the society itself were modified, in turn providing support for the emerging consensus of the political community.

Again, it must be said that the whole process was more complicated than this sketch can suggest and that it has not by any means erased all significant differences between the parties. It is worth observing in conclusion, however, that during the past two or three generations British politics, in dealing with the broad problem of social insecurity, has framed and solved a great problem in a characteristically British way. The cycle of economic change—class war—renewed consensus has occurred at least once before in British history. Just about a hundred years ago, British politics and British society, after a period of economic revolution and bitter class strife, settled down to what some historians call "the Victorian compromise." The present "Elizabethan compromise" has been achieved through similar political and cultural mechanisms. It may also introduce a period not unlike that when Disraeli and Gladstone alternately were victors in a vigorous, but not embittered struggle for the highest political power.

POLITICS AND RELIGION: LUTHER'S SIMPLISTIC IMPERATIVE

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I

The encounter between the human mind and the outside world is the essence of speculation. The dramatic element in the encounter has been provided by man's assertion that mind is capable of comprehending and ordering the world about him. This same "epistemological presumptuousness," which we associate instinctively with the spectacular successes of the natural sciences, has also been implicit in the enterprise of political theory. Here, too, the claim is that the human intellect can understand all of the complex interrelationships of a political order. In some ways this claim is even more assertive than that of the natural scientist. The theorist seeks not only to analyze and explain certain phenomena, but to prescribe more satisfactory patterns.

Given the complexity of the subject matter of politics and the finite character of the human mind, it is not surprising that the ideas of political theorists lend themselves to diverse interpretations at the hands of later commentators. Disagreement in interpretation, however, can take one of two forms: it may turn on a question concerning a particular idea, meaning, or emphasis; or it may find the interpreters taking diametrically opposed positions concerning the basic tendency of a given set of political ideas. An example of the first type would be the interpretation of Locke's theory of property. The second type, which is apt to be more embittered, is illustrated by the current controversy over Plato. The case of Luther also falls under this second category. One product of the remarkable renascence in Lutheran studies over the past half-century has been a wide disagreement over the political tendencies of Luther's ideas. One group has tended to identify Luther with the stirrings of democracy and individualism associated with the Reformation, while another has taken the opposite position that his ideas directly fostered state absolutism in politics and state control of churches.[1] Both groups have been inclined to stress different aspects of Luther's thought. The image of Luther the libertarian has been constructed mainly out of the materials of his religious ideas; Luther the absolutist has been fashioned primarily from his political writings.

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[1] The following are representative of those writers who see in Luther's writings various liberal or democratic ideas: James Mackinnon, *Luther and the Reformation*, 4 vols. (London 1925–1930), Vol. 2, pp. 93–97, 331; Werner Elert, *Morphologie des Luthertums*, 2 vols. (Munich, 1932), Vol. 2, p. 296; John T. McNeill, "Natural Law in the Thought of Luther," *Church History*, Vol. 11, pp. 211–28 (Sept., 1941). Representative of those who link Luther to absolutism are: Lord Acton, *Essays on Freedom and Power*, ed. Gertrude Himmelfarb (Boston, 1948), pp. 69, 94–96; John Neville Figgis, *Studies of Political Thought from Gerson to Grotius, 1414–1625*, 2nd ed. (Cambridge, 1931), Lecture III; Pierre Mesnard, *L' essor de la philosophie politique au XVI^e siècle*, 2nd ed. (Paris, 1952), pp. 229–35; Ernst Troeltsch, *The Social Teachings of the Christian Churches*, trans. Olive Wyon, 2 vols. (London, 1931), Vol. 1, p. 532.

In both instances, however, something less than full justice has been done to the unity of Luther's thought. Moreover, the sharp contrast between the two images evokes the suspicion that each has been, to an extent, artificially contrived. This points to the possibility, which we wish to explore here, that Luther's political authoritarianism was closely related to the so-called "democratic" aspects of his religious ideas. By examining the inner relations between the two, some glimpse of the unity, if not the consistency, of Luther's thought is possible. By way of a *caveat,* the unity in question is not to be found in the systematic character of Luther's thought; if his theology was formless, we can expect at least the same in his politics. The two sides of Luther's thought were unified, first, by the way in which his political ideas presupposed his religious beliefs and by the extent to which the one "fed," so to speak, on the other; and, second, by a common impulse or imperative which was at work in both his religious and his political thinking. This aspect we shall call the "simplistic imperative": the desire to reduce "reality" to its simplest components by sloughing off the complications which appear to obscure "reality" and to have no integral relationship with it. In its religious form, the imperative grew out of Luther's insistence that "the word of God, which teaches full freedom, should not and must not be fettered."[2] In its political form, it worked to release secular authority from traditional restraints and inhibitions.

Before turning to these problems, a preliminary difficulty must be disposed of. It has been argued by some commentators that Luther's thought, from beginning to end, was motivated solely by religious concerns and that, therefore, his outlook was fundamentally non-political. In the words of one recent writer, Luther "was first of all a theologian and a preacher," hence "he never developed a consistent political philosophy and knew little about the theories underlying the formation of national states in western Europe."[3] While it would be fruitless to deny the primacy of theological elements in Luther's thought, it is misleading to conclude on that account that politics was an alien concern. Luther himself held no such modest view of his own political acumen. Prior to his own writings, he declared, "no one had taught, no one had heard, and no one knew anything about temporal government, whence it came, what its office and work was, or how it ought to serve God."[4] Underlying this exaggeration was the implicit assumption that a religious reformer could not avoid political speculation. The extraordinary intermixture of religion and politics in that period compelled him to think about politics and even to think politically in religious matters. It was at once Luther's insight, as well as the source of a good many of his later difficulties, that he understood that religious reforms could not be undertaken in utter disregard of political considerations. It was exactly this lesson which many of the sectarians ignored at great cost. The problems in Luther's political thought were not the product of a monumental indifference toward politics, but arose from the "split" nature of a political attitude which oscillated between a disdainful and a frenetic interest in politics and sometimes combined both.

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[2] *Reformation Writings of Martin Luther,* ed. Bertram Lee Woolf (London, 1952), Vol. 1, p. 345. Only the first volume has thus far appeared. Hereinafter this will be cited as Woolf, Vol. 1.

[3] Harold J. Grimm, "Luther's Conception of Territorial and National Loyalty," *Church History,* Vol. 17, pp. 79–94, at p. 82 (June, 1948). Substantially the same point is made by John W. Allen, *A History of Political Thought in the Sixteenth Century,* 2nd ed. (London, 1941), p. 15; and by Preserved Smith, *Life and Letters of Martin Luther,* 2nd ed. (Boston and New York, 1914), pp. 214, 228; and Mackinnon, *op. cit.,* Vol. 2, p. 229. Ernest G. Schwiebert has argued that Luther wrote essentially as a theologian, but that his political ideas derived largely from mediaeval sources. See "The Medieval Patterns in Luther's Views of the State," *Church History,* Vol. 12, pp. 98–117 (June, 1943).

[4] *Works of Martin Luther,* ed. Charles M. Jacobs, 6 vols. (Philadelphia, 1915–1932), Vol. 5, p. 81. Hereinafter this will be cited as *Works.*

While the historical entanglements of politics and religion in the sixteenth century contributed in no small measure to Luther's political consciousness, an even more influential factor lay in the nature of the religious institutions which he attacked. His great anti-papal polemics of 1520 were directed against an ecclesiastical institution which, to the sixteenth-century mind, had come to epitomize organized power. The nature of the Papacy invited an indictment framed in political terms. Luther's writings of 1520 provide impressive evidence that he clearly recognized the issue to be one involving the power of an ecclesiastical polity. In the first place, the vocabulary employed was heavily sprinkled with phrases and imagery rich in political connotations. The sacramental practices of the priesthood were attacked as "oppressive" (*tyrannicum*) in that they denied the believer's "right" (*ius*) to full participation. The Papacy was denounced as the "tyranny of Rome" (*Romanam tyrannidem*), a "Roman dictatorship" (*Romana tyrannis*), to which Christians ought to "refuse consent" (*nec consentiamus*). The demand was then raised for the restoration of "our noble Christian liberty." "Each man should be allowed his free choice in seeking and using the sacrament . . . the tyrant exercises his depotism and compels us to accept one kind only."[5]

The political note became more pronounced as Luther went on to accuse the Papacy of ecclesiastical tyranny: the Papacy had arbitrarily legislated new articles of faith and ritual. When its authority had been challenged, it had sought refuge in the argument that papal power was unbound by any law. Moreover, the temporal pretensions of the Papacy had not only endangered the spiritual mission of the Church, but also damaged the effectiveness of secular authority by confusing secular and spiritual jurisdictions.[6] The usurpation of temporal power had permitted the Popes to advance their temporal claims under the guise of a spiritual mission, and, at the same time, to pervert their spiritual responsibilities by treating them politically. On this latter score, the sale of indulgences, the annates, the proliferation of the papal bureaucracy, and the control over ecclesiastical appointments had as their objective, not religious considerations, but the enhancement of the political power of the Papacy. The Pope had ceased "to be a bishop and has become a dictator."[7]

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[5] ". . . cuique suum arbitrium petendi utendique relinqueretur, sicut in baptismo et potentia relinquitur. At nunc cogit singulis annis unam speciem accipi eadem tyrannide . . ." *D. Martin Luther Werke* (Weimar Ausgabe, 1888–), Vol. 6, p. 507; Woolf, Vol. 1, pp. 223–24.

[6] Woolf, Vol. 1, pp. 127–28, 162.

During these early years Luther was prepared to accept the perpetuation of the Papacy on a reformed basis. His criticisms were founded on the assumptions that religion and politics constituted two distinct realms within the *corpus christianum*; that each realm required its own form of ruling authority; and that while rulership might be either of a religious or of a political type, it ought not to be both. Despite these distinctions, Luther's program for papal reform carried strong political overtones in that it was basically a demand for ecclesiastical constitutionalism and owed not a little to conciliarist inspiration.[8] The Pope was to exchange the role of despot for that of constitutional monarch. Henceforth his power was to be bounded by the fundamentals of Christianity and he could no longer legislate new articles of faith. Thus the teachings contained in Scripture were to be observed in much the same way as a fundamental law: they performed the function of a doctrinal constitution limiting the power of the popes.[9] To the papal argument that such institutional tinkering was blasphemous in that it would allow unclean hands to tamper with a divine institution, Luther responded that the Papacy itself was of human fabrication and hence susceptible of improvement.

The political element in Luther's case received further emphasis in the remedies he prescribed for dealing with a Pope who refused to recognize the bounds of his authority. If a Pope persisted in violating the clear injunctions of Scripture, then Christians were obligated to follow the fundamental law of Scripture and to ignore the papal commands.[10] Parenthetically it should be noted that this was the same formula employed later by Luther in dealing with secular rulers whose commands ran counter to Scripture. But in one particular Luther was prepared to counsel measures more drastic than anything he proposed against secular rulers. In an argument more political than scriptural, he contended that the Papacy might be forcibly resisted. "The Church has no authority except to promote the greater good." If any Pope were to block reforms, then "we must resist that power with life and limb, and might and main."[11]

Although Luther later retracted this and other more sanguinary exhortations,[12] the political element reached a climax when Luther prescribed for the condition *in extremis* where the Papacy blocked all efforts towards reform. Secular authorities possessed the right and the responsibility to initiate the processes of reform:

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[7] *Ibid.*, p. 224.

[8] Luther had read and admired Gerson, D'Ailly, and Dietrich of Niem. He does not appear to have been acquainted with the conciliarist side of Occam's thought. For a general discussion of these matters see Mackinnon, *op. cit.*, Vol. 1, pp. 20–21, 135; Vol. 2, pp. 228–29.

[9] Woolf, Vol. 1, pp. 224–25; *Works*, Vol. 1, p. 391; *Luther's Correspondence and Other Contemporary Letters*, ed. Preserved Smith and Charles M. Jacobs, 2 vols. (Philadelphia, 1918), Vol. 1, p. 156.

[10] Woolf, Vol. 1, p. 121.

[11] *Ibid.* p. 123; *Werke* (Weimar Ausgabe), Vol. 2, pp. 447–49.

> Therefore, when need requires it, and the pope is acting harmfully to Christian well-being, let any one who is a true member of the Christian community as a whole take steps as early as possible to bring about a genuinely free council. No one is so able to do this as the secular authorities, especially since they are also fellow Christians, fellow priests, similarly religious, and of similar authority in all respects.[13]

Despite the acerbity displayed in Luther's writings of this period, their revolutionary quality was blunted by the reliance on conciliarist arguments. He looked to a combination of secular initiative and conciliar reforms to restore the purity of the Papacy. In place of papal supremacy he relied partly on the older notion of the conciliarists that the Church was a *societas perfecta,* a self-sufficient society containing its own authority, rules, and procedures for regulating the common spiritual life of its members. According to this conception, the Church contained within itself the necessary resources for remedying any ills or grievances which might afflict it.

These conciliarist arguments worked to obscure two emergent aspects of Luther's thought: the reliance on secular authority and the bias against institutions. As long as he placed his hopes in a Church Council as the agency of reform, the secular ruler was reduced to secondary importance. But once this avenue of reform was closed off, the choice was automatically narrowed down to the secular ruler. When this stage was reached, the idea of the Church as a *societas perfecta* was dropped; the revitalization of its spiritual life was now held to depend on an external agency.

Similarly, as long as Luther adhered to a conciliarist position, and as long as he attributed some utility to the Papacy, the revolutionary quality of his theory of the Church would remain muted. But once he had broken with Pope and Council, the doctrine of the "priesthood of all believers" would assume central importance and the Lutheran conception of the Church would become clearer. Both of these developments, the reliance upon secular rulers and the Lutheran idea of the Church, were interrelated dialectically, in that Luther's quest for the "real" in religious experience led him to dismiss ecclesiastical institutions and to magnify the political institutions of the ruler. It is only partly correct to attribute Luther's emphasis on secular authority to the desperate plight of a reformer who had no alternative but to appeal to that quarter. Nor is it correct to view his extreme utterances during the Peasants' War as marking a sudden discovery of the absolute power of secular princes. There is sufficient evidence to indicate that he held a high opinion of secular authority before the peasant outbreaks. Instead, the emphasis on secular power should be viewed as the outgrowth of the deepening radicalism of his religious convictions, which lent additional weight to a pre-existing respect for the power of temporal rulers.

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[12] For a further discussion see Roland H. Bainton, *Here I Stand. A Life of Martin Luther,* Mentor edition (New York, 1955), pp. 115–16; Ernest G. Schwiebert, *Luther and His Times* (St. Louis, 1950), pp. 464 ff.

[13] Woolf, Vol. 1, pp. 122, 167.

Once this is grasped, Luther's later dilemma becomes more understandable: the secular powers, whose assistance he had invoked in the struggle for religous reform, began to assume the form of a sorcerer's apprentice threatening religion with a new type of institutional control. The sources of this dilemma lay in the disequilibrium which had developed between his theory of the Church and his theory of political authority. In the early years of his opposition to the Papacy, he did not disavow the central argument of the papalists that spiritual affairs required a ruling head. Thus, although he disagreed with the papalists over the nature of that office, his thinking preserved the mediaeval tradition of a distinctive set of ecclesiastical institutions which might offset the thrusts of temporal powers. But as his views matured into a flat rejection of the Papacy and of the entire hierarchical structure of the Church, the whole idea of a countervailing authority was naturally dropped. The tie between religious beliefs and religious institutions was severed; at this stage of his thought Church organization was regarded as an impediment to true belief. Concurrently with these developments in Luther's conception of the Church, his doctrine of political authority had evolved towards a more enlarged view of the functions and authority of rulers. The rulers were now entrusted with some of the religious prerogatives previously belonging to the Pope.[14] Thus while institutional authority was being erased in the religious sphere, it was being underscored in the political.

It was at this point that the supreme difficulty arose. In his later years Luther began to pay increasing attention to the need for religious organization, a need which he had earlier minimized. But for practical reasons this could not be accomplished except by calling in the secular authorities whose power he had consistently exalted. The institutional weakness of the Church made it no match for the secular power which Luther had rationalized. The end-product was the territorial Church (*Landeskirche*).

Luther's elevation of political authority, then, was closely connected with his idea of the Church. The latter, in turn, was an outgrowth of his conception of religion; hence something must be said about his religious doctrines and their bearing upon his ecclesiasticism and politics.

In Luther's theology, the supreme vocation of man consisted in preparing for God's free gift of grace. Religious experience centered around an intensely personal communication between the individual and God; the authenticity of the experience depended upon the uninhibited directness of the relationship. Good works, therefore, were irrelevant, for they involved relationships with men and things. Similarly, the ministrations of an ecclesiastical hierarchy and the full sacramental system were both useless and dangerous; they only multiplied the intermediaries between God and man and raised the inference that there existed a substitute for faith. In sum, everything which stood between God and man had to be eliminated; the only true mediators were Christ and Scripture.

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[14] In this connection Luther's letter to John, Elector of Saxony, was significant: "There is no fear of God and no discipline any longer, for the papal ban is abolished and everyone does what he will. . . . But now the enforced rule of the Pope and the clergy is at an end in your Grace's dominions, and all the monasteries and foundations fall into your Grace's hands as the ruler, the duty and difficulty of setting these things in order comes with them." Smith and Jacobs, *op. cit.*, Vol. 2, p. 383. On several occasions Luther was to lament the release of the rulers from papal controls. See *Works*, Vol. 4, pp. 287–89.

Against this backdrop Luther's famous metaphor of the "three walls" surrounding the Papacy was symbolic of the dominant driving force in his religious thought: the compulsion to erase and level all that interfered with the right relationship between God and man. The significance of this "simplistic imperative" lies in the variety of ways in which it was expressed: political, intellectual, as well as religious. Intellectually it took the form of a nearly total rejection of the mediaeval philosophical tradition. It was not a rejection steeped in ignorance, but one flowing from a deep conviction that centuries of philosophy had worked to pervert the meaning of Scripture and to support the pretensions of the Papacy.[15] The influence of Aristotle was declared to be pernicious; the christianized Aristotelianism of Aquinas was condemned as an "unfortunate superstructure on an unfortunate foundation."[16] Impatient with the "Babel of philosophy," with its endless and subtle disputations concerning substance and accidents, Luther called for a return to the unglossed wisdom of Scripture and the Word of God.[17] In this connection his radicalism was also turned against the *corpus* of traditional knowledge represented by the teachings of the Church Fathers, the pronouncements of the Councils, and the doctrines of the canonists. The Catholic conception of accrued historical wisdom, painstakingly built up through centuries of interpretation, Luther matched with the uncomplicated, direct knowledge of the humble believer.[18] "The simple faith" of the people was held to be more reliable; instead of chasing philosophical hares, it was content with the knowledge which comes from faith.

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[15] Luther's long apprenticeship in scholasticism is discussed in Mackinnon, *op. cit.*, Vol. 1, pp. 10–27, 50 ff.

[16] Woolf, Vol. 1, pp. 225, 227–29; Smith and Jacobs, *op. cit.*, Vol. 1, pp. 60, 64, 78, 150, 169–70, 359.

[17] Luther's distinction between Scripture and the Word of God is analyzed by Rupert E. Davies, *The Problem of Authority in the Continental Reformers* (London, 1946), pp. 31 ff.; and by Troeltsch, *op. cit.*, Vol. 2, p. 486. In connection with Luther's quest for the "original" meaning of Scripture, it might be added that he was aided by contemporary humanist scholars, such as Reuchlin and Erasmus, who were seeking to recapture the true meaning of Scripture by means of philological researches.

[18] Woolf, Vol. 1, pp. 227–29. These sentiments were underlined in Luther's *Letter to the Christian Reader* (1522): ". . . when I compare scholastic with sacred theology, that is with Holy Scripture, it seems full of impiety and vanity and dangerous in all ways to be put before Christian monks not forearmed with the armor of God." Luther then turned admiringly to Tauler and the *Theologia Germanica* and raised the hope that under the influence of the mystics "there will not be left in our earth a Thomist or an Albertist, a Scotist or an Occamist, but only simple sons of God and their Christian brothers. Only let not those who batten on literary dainties revolt against the rustic diction, nor despise the coarse coverings and cheap garments of our tabernacle, for within is all the glory of the king's daughter. Certainly if we cannot get learned and eloquent piety, let us at least prefer an unlearned and infantile piety to an impiety which is both eloquent and infantile Smith and Jacobs, *op. cit.*, Vol. 2, pp. 135–36. Compare Augustine, *Epistle* 138, 4–5.

Thus the end-point of the revolt against the authority of philosophy and received wisdom was a religious primitivism, flaunting simple faith against philosophical complication, breaking "the images of ancestral wisdom" in the name of a return to original Christianity. This "simplistic imperative," with its bias against "man-made" rules and rites, appeared as a kind of revival of the ancient controversy between "nature" and "convention" with scripturalism replacing nature as the basic norm. Like the ancients, Luther was beset by a deep urgency to erase historical accretions in order to commune with an underlying truth. Characteristic of his search for purity were his remarks on the confused state of marriage laws:

> . . . any and all of the practices of the Church are impeded, and entangled, and endangered, on account of the pestilential, unlearned, and irreligious, man-made ordinances. There is no hope of a cure unless the whole of the laws made by men, no matter what their standing, are repealed once for all. When we have recovered the freedom of the Gospel, we should judge and rule in accordance with it in every respect.[19]

The impulse towards simplification was also manifested in Luther's assault on the mediaeval conception of the Church. Again the emphasis was put on leveling the "walls" which stood between the believer and the object of his beliefs. The whole of the ecclesiastical hierarchy, with its niched gradations of authority and function, was to be razed. Since the plain meaning of Scripture could be understood by the average man, sacerdotalism was superfluous; there could be no distinctions among believers:

> We all have the same authority in regard to the Word and sacraments, although no one has a right to administer them without the consent of the members of his church, or by the call of the majority (because, when something is common to all, no single person is empowered to arrogate it to himself, but we should await the call of the Church). . . . When a bishop consecrates, he simply acts on behalf of the entire congregation, all of whom have the same authority. They may select one of their number and command him to exercise this authority on behalf of the others.[20]

The radical egalitarianism implicit in the doctrine of the priesthood of the believers was not dictated by any necessary relationships among the believers themselves. Rather, it grew out of Luther's conviction that faith could be attained only by individual effort and that, therefore, the "Christian liberty" of the believer must be unbound by externals. Faith could not be created or instilled by an external agency, whether sacerdotal or political; it was an inward disposition of the individual inclining him towards God.[21] The reward of faith was membership in the invisible communion of Christians, the *corpus mysticum* ruled by Christ:

> There is no superior among Christians, but Christ Himself and Christ alone. And what kind of authority can there be where all are equal and have the same right, power, pos-

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[19] Woolf, Vol. 1, p. 303.

[20] *Ibid.*, pp. 318, 114.

[21] *Ibid.*, p. 113.

> session, and honor, and no one desires to be the other's superior, but each other's inferior? One could not establish authority where there are such people, even if one would, since their character and nature will not permit them to have superiors, for no one is willing or able to be the superior.[22]

The "true" Church, then, was not to be located in any physical assemblage of offices, nor was it to be identified with any hierarchical institution. The Church consisted simply of "an assembly of hearts in one faith. . . . This unity is of itself sufficient to make a Church."[23]

Although Luther consistently denied that the equality of the believers eliminated the necessity for a trained ministry, this denial in no way minimized the revolutionary character of his attack on ecclesiasticism. The priest had been transformed into a minister, that is, one who administered, expounded, and explained the Word.[24] The loss in status was accompanied by a drastic change in the relationship between minister and congregation. Unlike the priest, the minister could not draw upon the mysterious sources of authority flowing from a centuries-old tradition. Stripped of the *mystique* of office, the minister faced his congregation as a *primus inter pares*. The office itself was no longer consecrated by the representative of a powerful ecclesiastical institution; it was derived from the consent of the *pares*. Since the minister was the creature of consent, not of authority, he could be removed from office by those who had selected him.[25]

Underlying the equality among the believers and the whittling down of the role of the minister were certain assumptions about the capacity of the believers to recognize truth:

> . . . each and all of us are priests because we all have the one faith, the one gospel, one and the same sacrament; why then should we not be entitled to taste or test, and to judge what is right or wrong in the faith?[26]

From this followed Luther's demand that the "second wall," symbolizing the papal claim to be the final interpreter of doctrine, be swept aside. The papal position, as Luther instinctively recognized, was grounded in a kind of christianized Platonism which asserted that disputed truths could be resolved only by a specially endowed intelligence.[27] Against this "aristocratic epistemology" Luther advanced a "democratic" one which averred both the right and the ability of the congregation to judge religious teachings. He adopted this conclusion partly from a profound conviction concerning the primacy of the direct communion between God and the individual soul; and partly from a conviction that the individual conscience could not be forced into salvation.

Nostalgia for the apostolic simplicity of the primitive Church did not blind

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[22] *Works*, Vol. 2, p. 262.

[23] *Ibid.*, Vol. 1, p. 349.

[24] Woolf, Vol. 1, pp. 115, 247, 249, 318, 367; *Works*, Vol. 3, pp. 326–28.

[25] Woolf, Vol. 1, pp. 115, 117, 181; *Works*, Vol. 4, pp. 79, 82.

[26] Woolf, Vol. 1, p. 120; *Works*, Vol. 4, pp. 76–77.

[27] Woolf, Vol. 1, pp. 119–20.

Luther to the fact that a near-anarchistic form of church organization was an inadequate prescription for an actual congregation whose members dwelt in varying states of grace and faith. At an early stage in his writings he began to elaborate the distinction between the "visible" and the "invisible" Church. The former consisted of those Christians whose weak faith necessitated a visible form of organizational structure. Unity had to be created externally by human art. The "invisible" Church, in contrast, derived its unity from faith; it was largely independent of organization and regulations.[28]

In his later years Luther came to be more impressed with the value of "distinguishing marks," even for the invisible Church.[29] This was less significant, however, than his growing reliance upon secular authority to police the visible Church and to insure a degree of religious uniformity. Given this development, the Lutheran conception of political authority assumes crucial importance; for a religion which had denied itself the power of an ecclesiastical organization was now confronted by, and invited the assistance of, political rulers who were unhampered by the traditional restraints of religious institutions. To appreciate the new theoretical setting within which temporal authority was now to operate, something must be said concerning earlier Christian attitudes towards the political order and the office of ruler.

II

From its early beginnings the Christian attitude concerning politics had been complicated by a persistent impulse towards disengagement from the world. The scriptural warning that "My Kingdom is not of this world" was later systematized by Augustine into the tense symbolism of the *civitas dei* and the *civitas terrena.* And despite the impressive effort of Aquinas to fashion a comfortable accommodation between the political order and the divine, the mystics and the monastics survived as eloquent witnesses to the strain of *incivisme* in Christianity. Moreover, this hostility towards the political order had been implicit from the beginning, when Christianity had directly challenged the classical assumption concerning religion and the political order. Classicism had judged religion largely from the viewpoint of its political and social utility. Religion had been expected not only to contribute to civic cohesiveness, but also to infuse the whole of man's political and social conduct in such a way that the believer would be a better citizen by virtue of his beliefs. For classicism, then, the value of a religion had been analyzed in terms of citizenship; the problem had been that of the citizen as a believer and not, as was to be the case with Christianity, the believer as a citizen.

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[28] *Works,* Vol. 1, pp. 349–57.

[29] Compare *Works*, Vol. 1, p. 361; Vol. 4, p. 75; Vol. 5, pp. 27–87; Vol. 6, p. 148. Luther's theory of the Church has been discussed by Karl Holl, "Luther," *Gesammelte Aufsätze zur Kirchengeschichte* (Tübingen, 1923), Vol. 1, pp. 288 ff.; Troeltsch, *op. cit.*, Vol. 1, pp. 477–94; William A. Mueller, *Church and State in Luther and Calvin* (Nashville, 1954), pp. 5–35; Wilhelm Pauck, "The Idea of the Church in Christian History," *Church History*, Vol. 21, pp. 191–213, at pp. 208–10 (Sept., 1952); Lewis W. Spitz, "Luther's Ecclesiology and His Concept of the Prince as *Notbischof*," *Church History*, Vol. 22, pp. 113–41 (June, 1953); John T. McNeill, "The Church in Sixteenth Century Reformed Theology," *Journal of Religion*, Vol. 22, pp. 251–69 (July, 1942).

In contrast, Christianity had come proclaiming the irrelevancy of political criteria to religious truths. Its avowed intention was to disentangle religion from its political context. This apolitical bent in Christianity was strikingly developed by Augustine in Books VI and VII of the *De civitate Dei*.[30] Christianity, he insisted, did not represent merely another "civil theology"; it came not to rescue a corrupt society, but to prepare men for the permanent estate of eternity. On the basis of this formulation, the relation between religion and politics was reversed. Instead of religion functioning as a support for the political order, the role of the political order was conceived to be one of securing the conditions of peace which would enable men to pursue unhindered their primary vocation of spiritual salvation. Although the responsibility for order was conferred upon the state, this did not imply, for Augustine, any positive control of or intervention into essentially religious matters. One of the primary aims of Augustine was to rid Christianity of the political interference typified by the policy of Theodosius. The state might assist religion by protecting the faithful from the contaminating influences of heresy, but the continuous supervision of religious life belonged to the Church. The spiritual needs of man were to be administered by a government reared on spiritual foundations.

In Luther the impulse towards disengagement took a quite different form. Where Augustine had relied upon the Church as the main aid to individual salvation and had relegated the state to the role of guardian of order, Luther felt constrained to call upon secular power to help Christian souls in gaining release from the tyranny of the organized Church. One fundamental reason for the different roles assigned government by Augustine and Luther is to be found in the different historical positions occupied by each. Augustine's thinking was deeply tinged by the millennial hopes common in the early centuries of the Christian era. It was natural for him to adopt a time-perspective oriented towards the future. Although, in contrast to the expectancies of some of the early Christians, Augustine minimized the imminence of the millennium, the notion of a future pregnant with the promise of deliverance remained a vivid element in his thought.[31] The thousand years intervening between Augustine and Luther could not but have a sobering effect on Christian optimism. What had been a beckoning future for the one became, for the other, an interminable present calling for a certain resignation on the part of the believer. The muted eschatology of Luther contributed in an important way to his marked antipathy for history. After the days of apostolic simplicity had been passed, history had become a record of the degradation of the Word. Consequently, the theological and ecclesiastical legacy of these centuries must be dismissed. On the basis of these beliefs, Luther's time-perspective was reflective of a compelling urgency to return to a more primitive state of Christian perfection; it was part of a radicalism oriented towards recapturing the authentic Christian elements of the distant past; it lacked the vivid awareness of a future dimension.

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[30] This aspect of Augustine is brilliantly described in Charles Norris Cochrane, *Christianity and Classical Culture* (New York, 1944), pp. 359 ff. Also see the remarks of Eric Voegelin, *The New Science of Politics* (Chicago, 1952), pp. 81–84.

[31] *De civitate Dei*, XX. See also the remarks of Heinrich Scholz, *Glaube und Unglaube in der Weltgeschichte* (Leipzig, 1911), pp. 109 ff.

These contrasts in time-perspectives were closely related to some important differences in the political ideas of Augustine and Luther. While Augustine had punctured the classical notion of the autonomy and self-sufficiency of the political order, he had not left the political order dangling in limbo. It was an integral part of the whole *ordo* of Creation and contributed its share towards the preservation of the total harmony. For Augustine the concept of a divine order symbolized more than an ingenious blend of diversities: it was a *concordia* moving towards consummation. Accordingly, the political order, integrated as it was into a cosmos full with meaning and direction, acquired a rooted stability, a sustenance drawn from the nature of Creation itself. Thus, even though the political community was destined to be superseded at the climax of history, until that time it participated in the perfection written into the very essence of things.[32]

Luther, however, departed significantly from the Augustinian conception of *ordo*. For Augustine *ordo* had operated as a principle immanent in the whole of Creation; therefore, any association, even a non-Christian one, possessed value to the extent that it secured peace and tranquillity.[33] Luther, on the other hand, reduced "order" from an immanent to a formal principle without real viability:

> Order is an outward thing. Be it as good as it may, it can fall into misuse. Then it is no longer order but disorder. So no order has any intrinsic worth of its own, as hitherto the Popish Order has been thought to have. But all order has its life, worth, strength, and virtue in right use; else it is worthless and fit for nothing.[34]

In abandoning the concept of *ordo* as the sustaining principle within a larger pattern of meaning, Luther deprived the political order of the moral sustenance flowing from this more comprehensive whole. The lack of integration between the political order and the divine order produced a marked tension within Luther's conception of government. The political order appeared as a distinctly fragile achievement, precarious, unstable, and prone to upset. At the same time, the vulnerability of this order created the need for a powerful, repressive authority. In other words, it was not the political order itself which was sustained by a divine principle; it was the secular power upholding order that was divinely derived. It was no idle boast of Luther's to assert that he had praised temporal government more highly than anyone since Augustine.[35] Such praise was necessary once the political order had been extracted from its cosmic context. The divine element in political authority was inevitably transformed from a sustaining principle into a repressive, coercive one.

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[32] The concept of *ordo* is most extensively discussed by Augustine in *De civitate Dei*, XIX, 11–18. Pertinent in this connection are: R. H. Barrow, *Introduction to Saint Augustine, The City of God* (London, 1950), pp. 220–60; Sir Ernest Barker, "St. Augustine's Theory of Society," in *Essays on Government*, 2nd ed. (Oxford, 1951), pp. 245–48; Étienne Gilson, *Introduction à l'étude de Saint Augustin*, 3rd ed. (Paris, 1949), pp. 237–38.

[33] *De civitate Dei*, XIX, 24.

[34] *Works*, Vol. 6, p. 186.

Luther's attachment to temporal authority, then, was not the product of a particular stage in his development, but was rooted in the conviction that the fallen world of man was fundamentally orderless. Order had to be imposed:

> Let no one think that the world can be ruled without blood; the sword of the ruler must be red and bloody; for the world will and must be evil, and the sword is God's rod and vengeance upon it.[36]

Significantly, Luther singled out, as the first "wall" to be leveled, the papal claims to a temporal jurisdiction. His logic here displayed the same impulse as his religious theorizing: just as the believer's free access to Scripture was to be secured from papal interference, so the secular ruler was to be unhampered in his efforts to achieve order:

> . . . the social corpus of Christendom includes secular government as one of its component functions. This government is spiritual in status, although it discharges a secular duty. It should operate, freely and unhindered, upon all members of the entire corpus, should punish and compel where guilt deserves or necessity requires, in spite of pope, bishops, and priests; and whether they denounce or excommunicate to their heart's desire.[37]

The long scholarly disputes over whether or not Luther preserved the mediaeval conception of a *corpus christianum* has served to obscure the profound changes he made in the content of that concept.[38] The emphasis on secular authority was accompanied by other doctrinal changes which enhanced that authority still further. At the same time that Luther was undercutting the sacerdotal hierarchy by the idea of the priesthood of all believers, he was elevating the status of rulers by clothing it with a sacerdotal dignity: rulers "are priests and bishops too."[39] The sharp line between clergy and laity was erased, and priest and peasant were placed on a level of equality in relation to secular jurisdiction.[40] The estate of Christendom had fallen to new trustees: the princes "discharge their office as an office of the Christian community, and for the benefit of that community. . . . Each community, council, and administration has authority to abolish and prevent, apart from the knowledge or consent of pope or bishop, anything contrary to God, and hurtful to man in body and soul."[41]

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[35] *Ibid.*, Vol. 5, pp. 81–82.

[36] *Ibid.*, Vol. 4, p. 23. On this same point see: Vol. 3, pp. 231–33; Vol. 4, pp. 28, 248–53, 266–69, 299 ff.; Vol. 5, p. 38; Vol. 6, p. 460.

[37] Woolf, Vol. 1, p. 117; Mesnard, *op. cit.*, pp. 204–17.

[38] There is a recent discussion of this problem in Spitz, *op. cit.*, pp. 118 ff., and see the references cited there. In addition there are some interesting remarks in Friedrich Meinecke, "Luther über christliches Gemeinwesen und christlichen Staat," *Historische Zeitschrift*, Vol. 121, pp. 1–22 (1920).

[39] Woolf, Vol. 1, p. 114.

[40] *Ibid.*, pp. 114–15, 129–30, 141, 147, 226–27, 232, 275.

The significance of the role assigned to political authority lay not so much in its broad mandate, nor in its responsibilities for religious reform, but rather in the fact that its power was now to be exercised in a context where papal institutions had been deprived of divinity and power. The secular ruler alone derived his powers from God; the power of the papacy, in contrast, had resulted from strictly human contrivings, or, worse, from the machinations of the Antichrist.

III

Luther's view of political authority was not all of one piece; it varied depending on whether the issue was primarily religious or political. When temporal government was called upon to assist in furthering religious reforms, it was viewed as a positive and constructive agency. But in its more secular and political role, government appeared as essentially negative and repressive. In the one area it was treated as the sole alternative for initiating reform; in the other as the sole alternative to anarchy.[42] The link which bound together the two views of political authority was Luther's demand that rulers be released from pre-existing restraints in order to accomplish their work. We have already examined this element in connection with Luther's attack on the Papacy; it reappeared when he considered the secular activities of government. Finding the same confusion and complexity in the laws of society as had prevailed in religious matters, Luther advocated a characteristically simple and radical solution:

> . . . the body politic cannot be felicitously governed merely by rules and regulations. If the administrator be sagacious, he will conduct the government more happily when guided by circumstances rather than by legal decrees. If he be not so wise, his legal methods will only result in harm, since he will not know how to use them, nor how to temper them to the case in hand. Hence, in public affairs, it is more important to make sure that good and wise men are in control than that certain laws are promulgated. Men of this kind will themselves be the best of laws, will be alert to every kind of problem, and will resolve them equitably. If knowledge of the divine laws accompanies native sagacity, it is obvious that written laws will be superfluous and noxious.[43]

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[41] *Ibid.*, p. 167.

[42] *Works*, Vol. 3, p. 235; Vol. 4, pp. 289–91.

[43] Woolf, Vol. 1, p. 298. It is true that Luther occasionally praised customary law, but a close examination of the context of the argument shows that he was contending that customary laws were better adapted to local conditions than imperial laws, and not that customary laws were salutary restraints. McNeill, "Natural Law in the Thought of Luther," *loc. cit.*, has underlined the role of natural law and reason in Luther's writings, but again the context was one where Luther was asserting that natural law and reason or equity allowed the ruler to override existing laws or customs. Natural law, in other words, played a liberating as well as a restraining role in Luther's thought. See Woolf, Vol. 1, p. 187; *Works*, Vol. 6, pp. 272–73. One of the few occasions wherein Luther cited Aquinas for support involved an argument in favor of an unlimited secular power in times of emergency. See *Works*, Vol. 3, p. 263.

The only restraints operating on the ruler, other than those of his own conscience, came from the exhortations of the ministers; since the ministers no longer spoke as the representatives of a powerful ecclesiastical establishment, the effectiveness of this restraint would be problematical.

Although some commentators have shown that Luther never intended to emancipate the secular authorities from the dictates of natural law and reason, this proves only that Luther was not Machiavelli. For the point is that natural law becomes a mere set of moral homilies when it is translated into a context where the power of the rulers alone has been elevated above all other institutional rivals and where allegiance to the other great power institution has been condemned.

The situation thus created was ripe for a collision between the two entities which Luther, by analogous arguments, had sought to set free. On the one hand there was the secular ruler, unrestrained by the pressures of competing institutions, and on the other the Christian congregation seeking divine grace, unaided and unguided by sacerdotal institutions. Luther, however, often wrote as though the former never presented a threat to the latter. The true believer was a subject of the Kingdom of God, where Christ alone ruled. "Therefore, it is not possible for the secular sword and law to find any work to do among Christians, since of themselves they do much more than its laws and doctrines can demand."[44] If all men were to become true Christians, secular government would be unnecessary. Government was justified by the existence of the large masses of the unrighteous and unregenerate; in the absence of coercion, men would be at each other's throats and society in chaos. "For this reason God has ordained two governments; the spiritual, which by the Holy Spirit under Christ makes Christians and pious people, and the secular, which restrains the unchristian and wicked so that they must needs keep the peace outwardly, even against their will."[45]

Even if the secular rulers, whose characters Luther frequently criticized, were to overstep their bounds and issue commands contrary to Scripture, no real harm could be done to the true Christian. Government, laws, and the ways of society could affect the physical goods of man, but never the vital center of his soul:

> When we consider the inner, spiritual man and see what belongs to him if he is to be a free and devout Christian, in fact and in name, it is evident that, whatever the name, no outer thing can make him either free or religious. For his religion and freedom, and, moreover, his sinfulness and servitude, are neither bodily nor outward.[46]

"Christian liberty," then, was the state enjoyed by the believer who had severed his external dependencies and had oriented his soul towards a complete submission to God. Although he could be expected to do more than his social and political obligations required, his ultimate salvation was in no way implicated in the world; his good works in the world were the consequence of his faith, and his faith could never be the result of his works. "You have the kingdom of heaven; therefore you should leave the kingdom of earth to any one who wants to take it."[47]

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[44] *Works*, Vol. 3, p. 234.

[45] *Ibid.*, pp. 235–36.

[46] Woolf, Vol. 1, pp. 357–58; *Works*, Vol. 3, p. 235; Vol. 4, pp. 240–41; *Werke* (Weimar Ausgabe), Vol. 1, pp. 640–43.

The doctrine of Christian liberty was modified by Luther in the light of his experiences during the Peasants' War. The basic question raised at that time was whether the spread of lawlessness might eventually undermine the peace of the faithful and thereby interfere with the quest for salvation. The pressure of events forced Luther to soften the distinction between the Kingdom of God and the kingdom of the world. If the rebellious peasants were to gain the upper hand "both kingdoms would be destroyed and there would be neither worldly government nor Word of God, but it would result in the permanent destruction of Germany. . . . "[48] If both the Kingdom of God and the kingdom of the world possessed a common need for order, as Luther admitted, then the true believer could not be as indifferent towards the political order as the doctrine of Christian liberty implied. Religion and politics were more closely intertwined than the theory of the two kingdoms inferred. Luther's theory of government, then, came down to this: temporal authority could insure outward peace for the true believer; it could never affect his internal virtue. For the unbeliever, government could impose external order and external virtue. Government existed "in order that the good may have outward peace and protection; and that the wicked may not be free to do evil, without fear, in peace and quietness."[49]

Certain confusions began to appear in Luther's thought, however, when he attempted to relate his doctrine of government to the problems of obedience and freedom of conscience. Sometimes he argued that authority could not coerce the consciences of the believers; and this was consistent with his teaching that externals could not affect the liberty of the Christian man. At other times he insisted that government ought not to coerce consciences. This could only mean logically that freedom of conscience was useful primarily for the unrighteous who might some day be led back to the fold.

The same difficulty reappeared when Luther allowed that men need not obey when a ruler commanded contrary to the teachings of Scripture.[50] But this could involve only the true believer, for he alone possessed a conscience guided by Scripture. At the same time, he alone owned a conscience which could not be harmed by external actions.

The contradictory elements were present in other aspects of Luther's teaching on this same general subject. Earlier he had urged that the secular rulers apply force against the Papacy, yet he overwhelmingly maintained that secular rulers ought not to be resisted for any cause. Thus political authority might resist religious authority on either political or religious grounds, while religious authorities might never resist political authority on either religious or political grounds. The final incongruity appeared during the Peasants' War when Luther advocated the right of anyone to kill a rebellious peasant. Thus a rebel might be slain by anyone, a tyrant by no one.[51]

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[47] *Works*, Vol. 3, pp. 248, 239–42; Vol. 6, pp. 447 ff.; Woolf, Vol. 1, pp. 234, 357, 368–70, 378–79.

[48] *Works*, Vol. 4, p. 220; Smith and Jacobs, *op. cit.*, Vol. 2, p. 320.

[49] *Works*, Vol. 6, p. 460; Vol. 3, pp. 231–32; Vol. 4, pp. 23, 28; Smith and Jacobs, *op. cit.*, Vol. 2, p. 492.

[50] *Works*, Vol. 1, p. 271; Vol. 3, pp. 255–56.

IV

Luther has frequently been criticized by later writers for promoting the cause of political absolutism. Figgis, for example, coupled Luther with Machiavelli and treated their ideas as two sides of the same coin.[52] While this view is correct in emphasizing the extreme lengths to which Luther went in releasing temporal rulers from previous restraints, it tends to view the problem primarily in terms of moral and religious restraints. Actually, Luther consistently upheld the right of Christians to rebuke the excesses of princes, and his own writings testify to the extent to which he followed that advice. If we are to look for the fundamental weakness in Luther's thinking, it is to be sought in his failure to appreciate the importance of institutions. His obsession with religious simplicity caused him to ignore the role of religious institutions as political restraints. The social consequences of a weakly organized religion were apparent in his own day. At moments of political and social crisis he was unable to appeal to any effective religious organization to act as mediator. During the Peasants' War he was compelled to entrust the whole cause of peace to the princes, despite his own conviction that all of the wrongs were not entirely on one side. In trying to get out of this predicament Luther succeeded only in making the Christian ethic appear irrelevant to the logic of the political order: "The sayings on mercy belong in God's kingdom and among Christians, not in the kingdom of the world. . . . "[53]

The quest for simplicity also had its effects when Luther considered political institutions. Here it took the form of accepting authority rather than rejecting it. From a few ingenuous ideas about authority, order, and social classes Luther fashioned a political doctrine of stark simplicity, unrelieved by the shadows of qualification. It was designed essentially to impress on princes the desirability of paternal rule and on subjects the wickedness of disobedience. Just as his religious teachings emphasized the single relationship of a believer who throws himself on God's mercy, so the political order was stripped of nearly all except the single relationship between ruler and ruled. In both cases the moral impotence and sinfulness of man was the source of his dependence.[54] But the peculiarity of the relationship between political superiors and their inferiors was that so much of it remained unpermeated by religious values. Religious considerations entered only at the extremities of the relationship: the ruler held his authority from God, while the subject was under a divine injunction to obey rulers in every conceivable *political* circumstance. No provision was made for the other complex relationships in a political order. The political relationship, like the religious, was a personalized rather than an institutionalized one.

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[51] *Ibid.*, Vol. 1, pp. 262–64; Vol. 3, pp. 211–12; Vol. 4, pp. 226–28. Some commentators have made a great deal of the joint declaration of 1531, wherein Luther sanctioned resistance to the Emperor. But when this is measured against the main body of his writings, its evidential value is small. Moreover, it would seem that the declaration was largely the work of Melanchthon. Luther affixed his own signature only after a great deal of agony and self-searching. A year previously he had warned against resisting the Emperor. See Mackinnon, *op. cit.*, Vol. 4, pp. 25–27.

[52] Figgis, *op. cit.*, pp. 55–61.

[53] *Werke* (Weimar Ausgabe), Vol. 18, p. 389.

In this connection Luther's doctrine of Christian liberty and his defense of disobedience on religious grounds did little to redress the balance against the secular ruler. Both of these ideas had been hollowed of their political content. "True" liberty had been transformed into an internal state of faith, while obligation was disconnected from political relationships and made to apply solely to religious issues; in political matters men had to obey unquestioningly.

The foregoing points to the conclusion that the problem presented by Luther was not one arising from the divorce between politics and religious values, but from the political irrelevancy of the Christian ethic. While Luther certainly assumed that Christian values, such as love, neighborliness, and charity, would exercise a salutary influence in society and politics, he failed to show their viability in dealing with problems other than those located at the elementary level of the household and the neighborhood. The Christian ethic might well be applicable at the intimate, personal level, and yet be quite irrelevant for the relationships created by a complicated political order. Luther remained unaware of this difficulty, because he reduced political relationships to a single form. Something of the political inadequacy of the Christian teaching was glimpsed by Luther himself. In the tract *On Trading and Usury* (1524) his argument began by laying down the strict Christian teachings on the subject; soon, however, he was led to admit that the Christian ethic was of little utility here inasmuch as most members of society did not act as Christians. His solution was to abandon the Christian argument and to invoke, instead, the coercive arm of government. The argument ended on the note that the world would be reduced to chaos if men tried to govern by the Gospel.[55]

These doubts about the political effectiveness of Christian teachings had their roots in the fundamental ambiguity characteristic of the thinking of many of the early reformers. On the religious side they advocated the most uncompromising and radical reforms, while on the political side they enjoined quietism. Luther, for example, vehemently rejected any hierarchical distinctions among Christian believers; yet he assumed that a social hierarchy was natural and necessary.[56] He eloquently defended the sanctity of the individual conscience; yet he unhesitatingly accepted the institutions of serfdom. He admitted that some of the grievances of the peasants were justified, but counseled the peasants against attaching much value to material concerns. He was willing to raise fundamental questions about every form of religious authority, but towards political institutions he was quite unsceptical, even when he doubted the morals and motives of rulers. His thought represented a striking combination of revolt and passivity.

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[54] Tillich has remarked that "Christian pessimism with respect to human nature has helped a great deal to bring about the alliance between Christianity and authority." "The Gospel and the State," *Crozer Quarterly*, Vol. 15, pp. 251–61, at p. 258 (Oct., 1938).

[55] *Works*, Vol. 4, pp. 16–22.

[56] *Ibid.*, Vol. 4, pp. 240, 308; Vol. 5, pp. 43 ff.

The split character of Luther's thinking is all the more striking, because embedded in his religious ideas were the rudiments of a theory of responsible government: the idea of the consent of the congregation, the responsibility of the ministry, and the right of each member to interpret the basic law. Nevertheless, it would be misleading to conclude, as some writers have, that Luther's religious ideas presaged later democratic ideas. It is necessary to be clear about what type of democratic theory is at issue. Luther's religious ideas bear no kinship to the liberal-democratic tradition later associated with Locke, Jefferson, and the *Federalist Papers*. If there is to be a relationship, it is with that democratic primitivism which searches obsessively for the pristine expression of the people's will and judges government by the faithfulness with which it reflects that will; which exhibits a deep impatience with all intermediary, representative institutions; and which chafes under all traditional legal and institutional restraints. In this equation, the intermediary institutions play the role of Luther's pope: an artificial fabrication designed to frustrate the faithful members of the congregation. The accent is on simplification, for the people have as little need for complicated political arrangements as Luther's true believer has for a visible Church. In both instances the quest is for personal identification: the believer with his God, the citizen with his government.

CONSTITUTIONAL LAW IN 1954–1955

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On October 9, a week after the 1954 Term began, Justice Robert H. Jackson[1] died, and for his place the President nominated Judge John Marshall Harlan, on November 8, 1954.[2] Judge Harlan had been appointed in March, 1953, to the Court of Appeals for the Second Circuit. The Senate did not act on the Harlan nomination until March 16, 1955, when it was confirmed by a vote of 71–11, and the new Justice took the oath of office on March 28. Accordingly, the Court was handicapped during much of the Term by not having a full bench, and apparently the argument of important cases was delayed until the vacancy was filled. Former Justice Owen J. Roberts, who had taken his seat on appointment by President Hoover on June 2, 1930, and resigned July 31, 1945, died on May 17, 1955.

At the end of the Term, Chief Justice Warren announced that henceforth the Court will not hear oral arguments or hold open sessions on Friday, which will be reserved for the conferences of the Justices.[3] Thus the ancient practice of holding the "recitation periods" on Saturday has, at least for the present, come to an end. The Chief Justice also declared that this change in the schedule, which reduces the number of days available each week for oral argument from five to four, would not affect the number of cases to be heard, and that the Court expects to remain current with its calendar.

During the period under review the controversy over the Crosskey interpretation of the Constitution continued on its merry way, having reached the stage of rebuttals and surrebuttals,[4] and a Yale law professor published a book on the

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[1] On Justice Jackson see: Symposium, with articles by Felix Frankfurter, Warner W. Gardner, Charles Fairman, and Telford Taylor, in the *Columbia Law Review*, Vol. 55, pp. 435–525 (April, 1955); Louis L. Jaffe, "Mr. Justice Jackson," *Harvard Law Review*, Vol. 68, pp. 940–98 (April, 1955); Paul A. Weidner, "Justice Jackson and the Judicial Function," *Michigan Law Review*, Vol. 53, pp. 567–94 (Feb., 1955); W. W. Bishop, Jr., "Robert H. Jackson," *American Journal of International Law*, Vol. 49, pp. 44–50 (Jan., 1955). At the time of his death, Justice Jackson was working on the Godkin lectures, which he was scheduled to deliver at Harvard early in 1955. They have been published under the title, *The Supreme Court in the American System of Government* (Cambridge, 1955).

[2] See Arthur A. Ballantine, "John M. Harlan for the Supreme Court," *Iowa Law Review*, Vol. 40, pp. 391–99 (Spring, 1955); Edward L. Friedman, Jr., "Mr. Justice Harlan," *Notre Dame Lawyer*, Vol. 30, pp. 349–59 (May, 1955).

[3] 349 U.S. 971.

[4] See William Winslow Crosskey, "Charles Fairman, 'Legislative History,' and the Constitutional Limitations on State Authority," *University of Chicago Law Review*, Vol. 22, pp. 1–143 (Autumn, 1954); Charles Fairman, "A Reply to Professor Crosskey," *ibid.*, pp. 144–56; Stuart Gerry Brown, "Politics and Mr. Crosskey's Constitution, I," *Syracuse Law Review*, Vol. 6, pp. 261–72 (Spring, 1955); Sylvester Petro, "Crosskey and the Constitution: A Reply to Goebel," *Michigan Law Review*, Vol. 53, pp. 312–49 (Dec., 1954).

Supreme Court which announced the novel proposition that judges are human.[5]

During the 1954 Term the Supreme Court disposed with finality of 1,352 cases, an unusually high number. The figure for the 1953 Term was 1,293, and for the 1952 Term it was 1,278. There were 82 dispositions with full opinion, of which four were *per curiam*. Of these, 33, or 40 per cent, were unanimous, and of 101 dispositions on the merits by memorandum order, 87, or 86 per cent, were unanimous. This marked a very considerable decline in the number of dispositions on the merits in which Justices dissented. In the previous Term only 28 per cent of the full opinion dispositions were unanimous, and in the 1952 Term the figure was 22 per cent. In all, 198 cases were decided on the merits (170 a year ago, 198 two years ago). Of these cases, 23 came from the federal district courts by appeal, four from the courts of appeals by appeal and 97 by certiorari, 56 from the state courts by appeal and 15 by certiorari, and three from specialized federal courts by certiorari.

On the appellate docket, certiorari was granted by the Court in 108 cases, or 16.8 per cent of all petitions, as compared with 13 per cent the year before and 16.1 per cent in 1952. Petitions for certiorari were granted on the miscellaneous docket in 12 cases, or 2.4 per cent of all requests, as compared with 1.9 per cent a year ago, and 2.5 per cent two years ago. The Court dismissed appeals in 53 cases, the largest figure in some years. Of these, 31 dismissals were for lack of a substantial federal question.

The number of dissenting opinions declined appreciably from 57 a year ago, and 89 two years ago, to 47. This year Justice Reed led the Court with ten dissenting opinions; Justice Minton was next with nine; Justice Black wrote eight, Justice Frankfurter seven, Justice Douglas five (as compared with 15 a year ago), Justice Clark three, Justices Burton and Harlan two each, and Chief Justice Warren only one. There were, in addition, 15 concurring opinions (16 a year ago), with Justices Frankfurter and Douglas contributing four each, and Justice Clark none. Chief Justice Warren filed two concurring opinions, and each of the other Justices wrote one. Taking into account all dispositions on the merits, whether by full opinion or memorandum order, there were in all 141 dissenting votes, a very low figure, with Justice Reed voting in the negative 28 times, Justice Douglas 27 times, and Justice Black 23 times. At the other extreme Justice Clark cast a dissenting vote only five times, Justice Harlan six times, and the Chief Justice seven times.

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[5] Fred Rodell, *Nine Men* (New York, 1955). See also: Edward S. Corwin, *Our Expendable Constitution* (University of Illinois Bulletin, Institute of Government and Public Affairs, 1955); Harold H. Burton, "Unsung Services of the Supreme Court of the United States," *Fordham Law Review*, Vol. 24, pp. 169–77 (Summer, 1955); Jack W. Peltason, *Federal Courts in the Political Process* (Garden City, N.Y., 1955); Victor G. Rosenblum, *Law as a Political Instrument* (Garden City, N.Y., 1955); Lewis Mayers, *The American Legal System* (New York, 1955); Wallace Mendelson, "Mr. Justice Frankfurter and the Process of Judicial Review," *University of Pennsylvania Law Review*, Vol. 103, pp. 295–320 (Dec., 1954); Leo Weiss, "Justice Murphy and the Welfare Question," *Michigan Law Review*, Vol. 53, pp. 541–66 (Feb., 1955); Leon R. Yankwich, "Some Challenges to Our Constitutional Ideals," *Southern California Law Review*, Vol. 28, pp. 1–17 (Dec., 1954); Edward McWhinney, "The Supreme Court and the Dilemma of Judicial Policy-Making," *Minnesota Law Review*, Vol. 39, pp. 837–51 (June, 1955); Howard E. Dean, "Judicial Review, Judicial Legislation, and Judicial Oligarchy," *Oregon Law Review*, Vol. 34, pp. 20–32 (Dec., 1954).

It is of interest to note that of the 198 cases decided on the merits, the Court affirmed only 48, again an unusually small figure. Of the 83 cases coming up on appeal, the Court affirmed 15, whereas of the 115 cases on certiorari, the Court affirmed 31. Of the 56 cases which were appealed from state courts, 49 were dismissed, six were reversed, one was vacated, and there were no affirmances. Of the 23 cases that came from the federal district courts on appeal, 14 were affirmed, six were reversed, one was vacated, and two were dismissed. Of the 101 cases from the courts of appeals, 26 were affirmed, 56 were reversed, 17 were vacated, and two were dismissed.

As is usual these days, cases dealing with civil liberties questions,[6] above all the announcement of the final decree in the school segregation cases, attracted the greatest amount of public attention. There were no opinions at all dealing with free speech or freedom of religion problems, although there was much writing on these subjects during the period under review.[7]

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[6] See: Samuel A. Stouffer, *Communism, Conformity, and Civil Liberties* (New York, 1955); Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York, 1955); Robert M. MacIver, *Academic Freedom in Our Time* (New York, 1955); American Civil Liberties Union, 34th Annual Report, *America's Need: A New Birth of Freedom* (New York, 1954); Osmond K. Fraenkel, *The Supreme Court and Civil Liberties*, rev. ed. (American Civil Liberties Union, New York, 1955); *Natural Law and Natural Rights*, ed. Arthur L. Harding (Dallas, 1955); Murray Kempton, *Part of Our Time* (New York, 1955); Loren P. Beth, "The Case for Judicial Protection of Civil Liberties," *Journal of Politics*, Vol. 17, pp. 100–12 (Feb., 1955); Lon L. Fuller, "Freedom—A Suggested Analysis," *Harvard Law Review*, Vol. 68, pp. 1305–25 (June, 1955); Morris Ploscowe, "A Modern Law of Arrest," *Minnesota Law Review*, Vol. 39, pp. 473–77 (April, 1955); Roy Moreland, "Some Trends in the Law of Arrest," *ibid.*, pp. 479–92; Caleb Foote, "Tort Remedies for Police Violations of Individual Rights," *ibid.*, pp. 493–516; Rocco Tresolini, R. W. Taylor, and E. B. Barnett, "Arrest without Warrant: Extent and Social Implications," *Journal of Criminal Law, Criminology and Police Science*, Vol. 46, pp. 187–98 (July–Aug., 1955); Wallace Mendelson, "Foreign Reactions to American Experience with Due Process of Law," *Virginia Law Review*, Vol. 41, pp. 493-503 (May, 1955); Note, "The Doctrine of Immunity under the Civil Rights Acts," *Harvard Law Review*, Vol. 68, pp. 1229–40 (May, 1955); Lauren Colby, "Recent Developments in the Right to Public Trial," *Syracuse Law Review*, Vol. 6, pp. 339–46 (Spring, 1955); Note, "Constitutionality of Rebuttable Statutory Presumptions," *Columbia Law Review*, Vol. 55, pp. 527–49 (April, 1955).

[7] On free speech problems see: William L. Chenery, *Freedom of the Press* (New York, 1955); Anne Lyon Haight, *Banned Books*, 2d ed. (New York, 1955); Congress for Cultural Freedom, *Science and Freedom* (Boston, 1955); University of Michigan Law School, *Communications Media: Legal and Policy Problems* (Ann Arbor, 1954); Herbert Brownell, Jr., "Freedom and Responsibility of the Press in a Free Country," *Fordham Law Review*, Vol. 34, pp. 178–86 (Summer, 1955); S. I. Shuman, "Publicizing Judicial Proceedings," *Wayne Law Review*, Vol. 1, pp. 1–44 (Winter, 1954); Note, "Free Press and Fair Trial—A Conflict," *Minnesota Law Review*, Vol. 39, pp. 431–44 (March, 1955); Edgar A. Jones, Jr., "Picketing and the Communication of Ideas," *U.C.L.A. Law Review*, Vol. 2, pp. 212–23 (Feb., 1955); Note, "Regulation of Comic Books," *Harvard Law Review*, Vol. 68, pp. 489–506 (Jan., 1955); Note, "Crime Comics and the Constitution," *Stanford Law*

I. QUESTIONS OF NATIONAL POWER

1. FEDERAL RIGHTS

The Federal Loyalty Program. The leading security[8] case of the Term was *Peters* v. *Hobby*,[9] in the disposition of which many hoped that the Supreme

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Review, Vol. 7, pp. 237–60 (March, 1955); Comment, "Censorship of Obscene Literature by Informal Governmental Action," *University of Chicago Law Review*, Vol. 22, pp. 216–33 (Autumn, 1954); Charles M. Whelan, "Censorship and the Constitutional Concept of Morality," *Georgetown Law Journal*, Vol. 43, pp. 547–81 (June, 1955); Loren P. Beth, "Group Libel and Free Speech," *Minnesota Law Review*, Vol. 39, pp. 167–84 (Jan., 1955); Leon R. Yankwich, "Private Libel or Public Exhortation," *Notre Dame Lawyer*, Vol. 30, pp. 245–72 (March, 1955); Jay W. Murphy, T. J. Carnes, and Samuel Kaufman, II, "Book Labelling—An Ominous Venture in Censorship," *Alabama Law Review*, Vol. 6, pp. 186–234 (Spring, 1954).

On freedom of religion questions see: J. M. Snee, "Religious Disestablishment and the Fourteenth Amendment," *Washington University Law Quarterly*, Vol. 1954, pp. 371–407 (Dec., 1954); Harold H. Punke, "Religious Issues in American Public Education," *Law and Contemporary Problems*, Vol. 20, pp. 138–68 (Winter, 1955); Robert F. Cushman, "The Holy Bible and the Public Schools," *Cornell Law Quarterly*, Vol. 40, pp. 475–99 (Spring, 1955); Robert E. Rodes, Jr., "Religious Education and the Historical Method of Constitutional Interpretation," *Rutgers Law Review*, Vol. 9, pp. 682–95 (Summer, 1955); Leo Pfeffer, "Released Time and Religious Liberty: A Reply," *Michigan Law Review*, Vol. 53, pp. 91–98 (Nov., 1954); Paul G. Kauper, "Released Time and Religious Liberty: A Further Reply," *ibid.*, pp. 233–36; Virgil C. Blum, "Religious Liberty and the Religious Garb," *University of Chicago Law Review*, Vol. 22, pp. 875–88 (Summer, 1955); Comment, "Religious Garb in the Public Schools: A Study in Conflicting Liberties," *ibid.*, pp. 888–95; Note, "The First Amendment and Distribution of Religious Literature in the Public Schools," *Virginia Law Review*, Vol. 41, pp. 789–807 (Oct., 1955); Virgil C. Blum, "Religious Liberty and Bus Transportation," *Notre Dame Lawyer*, Vol. 30, pp. 384–437 (May, 1955); Leo Pfeffer, "Religion in the Upbringing of Children," *Boston University Law Review*, Vol. 35, pp. 333–93 (June, 1955); Elvin E. Overton, "Religion and Adoption," *Tennessee Law Review*, Vol. 23, pp. 951–58 (June, 1955); Note, "Constitutionality of Mandatory Religious Requirements in Child Care," *Yale Law Journal*, Vol. 64, pp. 772–86, (April, 1955); C. C. Cawley, "Criminal Liability in Faith Healing," *Minnesota Law Review*, Vol. 39, pp. 48–74 (Dec., 1954).

[8] There was a great deal of writing during the Term under discussion on various aspects of security problems. See: Maurice J. Goldbloom, *American Security and Freedom* (Boston, 1954); John Lord O'Brian, *National Security and Individual Freedom* (Cambridge, Mass., 1955); Alpheus T. Mason, *Security through Freedom* (Ithaca, 1955); Harold W. Chase, *Security and Liberty: The Problem of Native Communists, 1947–1955* (Garden City, N. Y., 1955); Martin Merson, *The Private Diary of a Public Servant* (New York, 1955); Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919–1920* (Minneapolis, 1955); Symposium, "Secrecy, Security, and Loyalty," *Bulletin of the Atomic Scientists*, Vol. 11, pp. 106–69 (April, 1955), and see especially Hans Morgenthau, "The Impact of the Loyalty-Security Measures on the State Department," pp. 134–40; Symposium, "Internal Security and Civil Rights," *Annals of the American Academy*, Vol. 300, July, 1955; Note, "Federal Anti-Subversive Legislation of 1954," *Columbia Law Review*, Vol. 55, pp. 631–747 (May, 1955); Comment, "The Communist Control Act of 1954," *Yale Law Journal*, Vol. 64, pp. 712–65 (April, 1955); A. W. Blumrosen, "Repeated Federal Employee Security Adjudications," *Wayne Law Review*, Vol. 1, pp. 77–104 (Spring, 1955); Arch Dotson, "The Emerging Doctrine of Privilege in Public Employment," *Public Administration Review*, Vol. 15, pp. 77–88 (Spring, 1955); Paul R. Haerle, "The

Court would finally rule on a number of serious constitutional issues long under discussion. Instead, in accordance with the well-established rule that constitutional questions should be avoided if it is possible to dispose of litigation on nonconstitutional grounds, the Court chose such a minimal basis for its decision that it settled practically nothing of any importance. Dr. Peters, a professor of medicine at Yale, was employed as a special consultant in the United States Public Health Service of the Federal Security Agency, which in 1953 was transferred to the Department of Health, Education, and Welfare. His duties required his presence in Washington from four to ten days a year, upon call of the Surgeon General, to give advice on assistance to medical research institutions, for which he was paid on a per diem basis. This work was neither confidential nor sensitive, and he had no access to classified material. Dr. Peters had first been cleared by the Agency Loyalty Board in 1949. After the standard for removal was changed in April, 1951 from "reasonable ground" to "reasonable doubt," the Loyalty Review Board reopened Dr. Peters' case in May, 1951 and remanded the case to the Agency Board for a hearing.

The Agency Board gave Dr. Peters a hearing in April, 1952, at which the sources of adverse information were not identified and were not available for cross-examination. In fact, the Board itself did not know the identity of one or more of the informants, though apparently it knew who some of them were. The only evidence adduced at the hearing was presented by Dr. Peters. He denied under oath that he had ever been a member of the Communist party, and testified as to the other charges, not refusing to answer any questions. His testimony was supported by 18 witnesses, and by the affidavits and statements of 40 others. On May 23, 1952, the Agency Board cleared him. However, since it is apparently always open season in the government service, and a new doctrine of perpetual jeopardy has elbowed the ancient doctrine of double jeopardy into the discard, the Loyalty Review Board notified Dr. Peters, on April 6, 1953, that it was conducting a "post-audit," and he was given another hearing before a panel of the Board on May 12, 1953. The evidence was the same as that presented previously, with Dr. Peters offering five witnesses. The identity of the

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Communist Control Act of 1954," *Michigan Law Review*, Vol. 53, pp. 1153–65 (June, 1955); Alan Reeve Hunt, "Federal Supremacy and State Anti-Subversive Legislation," *Michigan Law Review*, Vol. 53, pp. 407–38 (Jan., 1955); Comment, "Control of Communist Unions; A New Approach," *Northwestern University Law Review*, Vol. 50, pp. 396–409 (July–Aug., 1955); Note, "Government Exclusion of Foreign Political Propaganda," *Harvard Law Review*, Vol. 68, pp. 1393–1409 (June, 1955); A. F. Westin, "Critique of Civil Libertarian Reactions to the 'Communist Problem'," *Northwestern University Law Review*, Vol. 50, pp. 58–70 (March–April, 1955). See also the following publications of the Fund for the Republic: Preliminary Study, *Personnel Security Programs of the Federal Government* (1954); *Digest of the Public Record of Communism in the United States* (1955); *Bibliography on the Communist Problem in the United States* (1955); Adam Yarmolinsky, *Case Studies in Personnel Security* (Washington: Bureau of National Affairs, 1955); Rowland Watts, *The Draftee and Internal Security* (New York: Workers Defense League, 1955).

[9] 349 U.S. 331 (1955). See Phillip Sirotkin, "The Peters Case," *The Nation*, Vol. 180, pp. 438–40 (May 21, 1955).

informants was not disclosed to Dr. Peters, and not all were known to the Board, nor had the testimony of the informants been given under oath. The record also contained the evidence which Dr. Peters had presented at the previous hearing.

The Review Board concluded that there was reasonable doubt of the loyalty of Dr. Peters, and so notified him on May 22, 1953. He was dropped from his position as consultant, though his appointment would have expired December 31, 1953, and barred from further federal employment for a period of three years. Dr. Peters maintained that the action of the Review Board violated both the Executive Order (No. 9835) under which it operated, and the Constitution. His argument was that he was unconstitutionally denied an opportunity to confront and cross-examine his accusers, that the penalty of disbarment was both a bill of attainder and *ex post facto*, and that his right of free speech had been invaded. Accordingly, he brought suit in the District Court of the District of Columbia for a declaratory judgment, but both this court and the court of appeals denied relief on the authority of *Bailey* v. *Richardon*.[10] The *Bailey* case, it will be recalled, affirmed a court of appeals decision[11] in favor of the loyalty program by a 4–4 vote, without opinion.

While the Supreme Court reversed the holding of the lower courts against Dr. Peters, and admitted that serious constitutional issues were presented, all it actually decided was that the action of the Loyalty Review Board was patently in violation of Executive Order 9835, in that it went beyond the jurisdiction delegated to the Board by the Order. The Board was authorized by the Order "to review cases involving persons recommended for dismissal" brought to it by the agency or the employee. It was given no power to review on its own motion, and thus what the Board sought to do was not authorized under the Order. The Chief Justice maintained that limiting the Board to reviewing adverse determinations was in accord with the recommendations of the President's Temporary Commission on Employee Loyalty, whose 1947 report was the basis of the Order, and with "the deeply rooted principle of criminal law that a verdict of guilty is appealable while a verdict of acquittal is not." He pointed out that this was one of the most important safeguards the Order afforded an accused employee, since it assured that the initial determination of loyalty would be made by one's departmental colleagues who know most about him, rather than by political appointees who might be "more vulnerable to the pressures of heated public opinion." To sanction the abrogation of this safeguard, he declared, would be to sanction "administrative lawlessness."

The Chief Justice also ruled that failure of the President to disapprove of the regulation under which Dr. Peters' case was reopened by the Review Board is not to be deemed acquiescence in it. He said that the Court could not indulge "in such fanciful speculation." There would have to be "explicit Presidential action" to support the inference that limitation on the Board's powers had been eliminated. Furthermore, knowledge by the President of the challenged practice can hardly be imputed to him in view of the relatively small number of cases—only 20—in which, during its six years, the Board reversed favorable determinations. Since dismissal for disloyalty is, in the Chief Justice's words, "a badge of infamy," the Court will not support the "tenuous" theory advanced in support of the Board's action. The Court also ruled that the Review Board had no authority to make Dr. Peters ineligible for federal service for a three-year period.

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[10] 341 U.S. 918 (1951).

[11] 182 F. 2d 46 (1950). See this REVIEW, Vol. 46, pp. 165–67 (March, 1955).

In a separate concurring opinion, Justice Black declared that he preferred to decide the case on the constitutional issues, the rule of avoidance of constitutional questions not being "an inflexible rule to be inexorably followed under all circumstances." He not only agreed with the Court on the construction of the Order; he also had grave doubts whether the Executive Order had been authorized by any act of Congress. He even doubted whether Congress could delegate to the President the power to do what he sought to do in the Order. In another concurring opinion, Justice Douglas took the position that since the Order was at best ambiguous, the Review Board had the authority it claimed, but that in the absence of confrontation of the "faceless informers" and cross-examination under oath, due process had been denied. For under this procedure, he said, a man loses reputation and the right to work, and is condemned to a suspect class, "without the rudiments of a fair trial."

Justice Reed, who was joined by Justice Burton, argued in dissent that the Board had adopted the challenged regulation at the very outset, in December, 1947, and had recorded such cases as that of Dr. Peters in each of the annual reports of the Civil Service Commission which, as required by statute, were submitted to the President. He also rejected the Court's analogy between review of presidential orders and review of the administrative interpretation of acts of Congress, since the executive is traditionally free to handle its internal problems of administration in its own way. He doubted the legality of judicial review of such intra-executive operations. But even if the Order is construed as a statute, Justice Reed thought that the Board acted properly, in the light of contemporary construction and the fact that the President allowed the practice to continue after having notice of it in the reports.

The *Peters* case settled very little.[12] The Civil Service Commission was ordered to expunge from its records the Review Board's finding of reasonable doubt of Dr. Peters' loyalty and the order of disbarment, but Dr. Peters did not get his job back, since his term of appointment had ended December 31, 1953. While the Review Board was denied authority to take up cases on its own initiative, the decision was not very important since the Board went out of business when President Eisenhower supplanted the earlier Executive Order on employee loyalty with Order 10450 in April, 1953, placing ultimate authority in the head of the agency. The grave constitutional questions which the procedures under discussion raise are still without authoritative answers by the nation's highest court, and the faceless informers are still in business.

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[12] Congress has not been altogether indifferent to the current criticisms of the security program. It has passed an act, approved August 9, 1955, creating a 12-member Commission on Government Security to study and investigate the entire federal program. The Commission is required to submit a final report not later than December 31, 1956. Public Law 304, 84th Cong., 1st sess., c. 664.

Self-Incrimination. Several procedural and substantive questions concerning the privilege against self-incrimination[13] and the conduct of legislative investigating committees[14] were before the Court in three cases. In these cases it was the government's contention that the witness was trying to eat his cake and have it too by pleading his privilege in such an evasive way that he could enjoy the advantages of silence without incurring the public odium which follows a forthright claim to the privilege. In the leading case, *Quinn* v. *United States,*[15] the Court was concerned with a conviction for contempt of Congress in refusing to answer a question put by the House Committee on Un-American Activities. Quinn, a union official, was subpoenaed with two others, Fitzpatrick and Panzino. Fitzpatrick, who was called to testify first, refused to answer a question about Communist affiliation on the ground of "the first and fifth amendments."

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[13] For writings during the year under review dealing with self-incrimination problems see: Erwin N. Griswold, *The Fifth Amendment Today* (Cambridge, Mass., 1955); Nathan April, "A Reappraisal of the Immunity from Self-Incrimination," *Minnesota Law Review,* Vol. 39, pp. 75–92 (Dec., 1954); George S. Flint, "Witness Immunity Act of 1954," *Michigan Law Review,* Vol. 53, pp. 858–71 (April, 1955); C. D. Williams, "Problems of the Fifth Amendment," *Fordham Law Review,* Vol. 24, pp. 19–52 (Spring, 1955); Robert G. Dixon, Jr., "The Doctrine of Separation of Powers and Federal Immunity Statutes," *George Washington Law Review,* Vol. 23, pp. 501–34, 627–57 (April, June, 1955); Arthur B. Hyman, "What Price Constitutional Immunity?" *Tennessee Law Review,* Vol. 23, pp. 931–42 (June, 1955); Fred E. Inbau, "Should We Abolish the Constitutional Privilege against Self-Incrimination?," *Journal of Criminal Law, Criminology, and Police Science,* Vol. 45, pp. 180–84 (July–Aug., 1954); John T. Noonan, Jr., "Inferences from the Invocation of the Privilege against Self-Incrimination," *Virginia Law Review,* Vol. 41, pp. 311–42 (April, 1955).

On closely related topics see: N. Redlich, "Searches, Seizures, and Self-Incrimination in Tax Cases," *Tax Law Review,* Vol. 10, pp. 191–212 (Jan., 1955); Louis B. Schwartz, "On Current Proposals to Legalize Wire Tapping," *University of Pennsylvania Law Review,* Vol. 103, pp. 157–67 (Nov., 1954); Note, "State Exclusionary Rule as a Deterrent against Unreasonable Search and Seizure," *Journal of Criminal Law, Criminology, and Police Science,* Vol. 45, pp. 697–707 (March–April, 1955); Note, "State Police, Unconstitutionally Obtained Evidence and Section 242 of the Civil Rights Statute," *Stanford Law Review,* Vol. 7, pp. 76–96 (Dec., 1954); Richard A. Edwards, "Criminal Liability for Unreasonable Searches and Seizures," *Virginia Law Review,* Vol. 41, pp. 621–32 (June, 1955); Note, "Constitutional Limits on the Admissibility in the Federal Courts of Evidence Obtained from Required Records," *Harvard Law Review,* Vol. 68, pp. 340–49 (Dec., 1954).

[14] See: Alan Barth, *Government by Investigation* (New York, 1955); Telford Taylor, *Grand Inquest: The Story of Congressional Investigations* (New York, 1955); Legislative Reference Service, *Congressional Power of Investigation,* Sen. Doc. 99, 83d Cong., 2d sess., (1954); Dorothy C. Tompkins, *Investigating Procedures of Congressional Committees: A Bibliography* (Berkeley: Bureau of Public Administration, University of California, 1954); Robert B. Tunstall, "Scope and Limitations of the Investigating Power of Congress," *Virginia Law Review,* Vol. 40, pp. 875–97 (Nov., 1954); Walter F. Hoffmann, "The Legitimate Functions of a Congressional Investigation," *Rutgers Law Review,* Vol. 9, pp. 528–43 (Spring, 1955).

[15] 349 U.S. 155 (1955).

At one point he also said that he was relying upon "the first amendment to the Constitution, supplemented by the fifth amendment." Then Panzino refused to testify, on the grounds relied upon by Fitzpatrick. The next day Quinn was asked whether he had ever been a member of the Communist party. He declined to answer, on the grounds relied upon by Fitzpatrick. Panzino and Fitzpatrick were both acquitted after trial before different judges. In Quinn's case, the district court held that a witness may not incorporate the position of another witness, and rejected his defense based on the Self-Incrimination Clause. The court of appeals reversed, sitting *en banc*, but remanded the case for a determination as to whether Fitzpatrick did claim the privilege, holding that a witness may adopt as his own a plea made by a previous witness. By an 8–1 vote the Supreme Court set aside the remand, and directed the district court to enter a judgment of acquittal.

Speaking for the Court, Chief Justice Warren undertook to review the nature and scope of the power of Congress and its committees to investigate. While the power is concededly a broad one, he emphasized that it is also subject to "recognized limitations": "it cannot be used to inquire into private affairs unrelated to a valid legislative purpose";[16] it does not extend "to an area in which Congress is forbidden to legislate";[17] the investigatory power must not be confused with any of the powers of law enforcement, which the Constitution assigns to the executive and the judiciary;[18] and "still further limitations on the power to investigate are found in the specific individual guarantees of the Bill of Rights, such as the Fifth Amendment's privilege against self-incrimination which is in issue here."[19] Furthermore, the Chief Justice stressed the antiquity and importance of the privilege, and argued that it should be liberally construed in favor of the right it was intended to secure, particularly in prosecution of a witness for a refusal to answer, "since the respect normally accorded the privilege is then buttressed by the presumption of innocence accorded a defendant in a criminal trial."

There was no doubt of the fact that an answer to the question whether Quinn was a member of the Communist party might have tended to incriminate him.[20] The only issue was whether Quinn did claim the privilege, since he was clearly entitled to do so. On this point Chief Justice Warren said: "It is agreed by all that a claim of the privilege does not require any special combination of words. Plainly a witness need not have the skill of a lawyer to invoke the protection of the Self-Incrimination Clause. If an objection to a question is made in any language that a committee may reasonably be expected to understand as an attempt to invoke the privilege, it must be respected both by the committee and by a court. . . ." The Chief Justice thought that Quinn's references to the Fifth Amendment were clearly sufficient to put the Committee on notice of an apparent claim of the privilege, since in common parlance today the Fifth Amendment has come to mean the privilege against self-incrimination. It was then necessary for the Committee either to accept the claim or ask Quinn whether he was in fact invoking the privilege. And he added: "Particularly is this so if it is true, as the Government contends, that petitioner feared the stigma that might result from a forthright claim of his constitutional right to refuse to testify. It is precisely at such times—when the privilege is under attack by those who wrongly conceive of it as merely a shield for the guilty—that governmental bodies must be most scrupulous in protecting its exercise."

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[16] Citing *McGrain* v. *Daugherty*, 273 U.S. 135, 173–74 (1927); *Kilbourn* v. *Thompson*, 103 U.S. 168, 190 (1881).

[17] Citing *United States* v. *Rumely*, 345 U.S. 41 (1953). The Chief Justice seems to believe that Congress has only legislative functions.

[18] Citing *Kilbourn* v. *Thompson*, 103 U.S. 168, 192–93 (1881).

[19] Nothing was cited.

[20] The cases cited on this point were: *Blau* v. *United States*, 340 U.S. 159 (1950); *Brunner* v. *United States*, 343 U.S. 918 (1952); *Hoffman* v. *United States*, 341 U.S. 479 (1951). The *Hoffman* case grew out of an investigation of violations of customs narcotics and liquor laws, and had nothing to do with so-called subversive activity.

There was a second ground for this decision. The Chief Justice maintained that Section 192 of Title 2 of the U. S. Code, which Quinn was alleged to have violated, like the ordinary federal criminal statute, requires a showing of criminal intent, in this instance, "a deliberate, intentional refusal to answer." Obviously, not every refusal to answer a question asked by a congressional committee subjects a witness to prosecution under Section 192. For example, if he raises an objection to a certain question and the committee sustains the objection and abandons the question, there can be no criminal intent even though the objection might actually have been without merit. Or the committee may disallow the objection and confront the witness with a choice of answering or not. If, given such a choice, the witness does not answer, then there is a basis for a finding of criminal intent. In short, the witness must be clearly apprised that the committee demands his answer before there can be a conviction under Section 192. In this instance, the Chief Justice held, the Committee did not at any time specifically overrule Quinn's Fifth Amendment objection, and thus he was never confronted with a clear-cut choice. At best he had to guess whether or not the Committee accepted his objection. Thus, the Court laid down the rule that "a clear disposition of the witness' objection is a prerequisite to prosecution for contempt." This rule, it was declared, was supported by long-standing English and American decisions, by congressional history, and by the legislative history of Section 192.[21] Justice Harlan concurred except as to what was said with regard to criminal intent.

Justice Reed dissented alone. Conceding that a question about Communist party membership is incriminating, he maintained that whether a claim of the privilege was made is a question of fact for the trial court to decide, and he therefore objected to directing the district court to acquit. Nor did he believe that Quinn had notified the Committee that he was claiming the privilege, insisting that "the burden is on the witness to advise his interrogators of a claim to privilege in understandable terms." Furthermore, Justice Reed thought that Quinn had been sufficiently advised that the Committee believed that his reply was not a satisfactory excuse.

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[21] The Court of Appeals for the District of Columbia had previously ruled that criminal intent did not have to be proved to establish a violation of Section 192. See *Barsky* v. *United States*, 167 F. 2d 241 (App. D.C. 1948); *Fields* v. *United States*, 164 F. 2d 97 (App. D.C. 1947).

In *Emspak* v. *United States*[22] the Court had before it another union official who had refused to answer 68 questions, of which 58 asked whether he knew named individuals, two dealt with alleged membership in front organizations, and eight with alleged membership in the Communist party. His refusal to answer was based, in his words, on "primarily the first amendment, supplemented by the fifth." Again Chief Justice Warren declared that "no ritualistic formula or talismanic phrase," or orthodox statement, is necessary to invoke the privilege. All that is necessary is that the objection be stated in language a committee could reasonably be expected to understand as an attempt to invoke the privilege. Answering the government's contention that Emspak deliberately phrased his claim to get the benefit of the privilege without the odium, the Chief Justice declared that if it is true that in these times a stigma results from reliance on the Self-Incrimination Clause, "a committee should be all the more ready to recognize a veiled claim of the privilege. Otherwise, the great right which the Clause was intended to secure might be effectively frustrated by private pressures." He added that a committee is not obliged either to accept or to reject an ambiguous claim to the privilege as soon as it is presented, but that it ought to inquire further into the nature of the claim before making a ruling.

When Emspak refused to discuss his associations, and was then asked whether that would subject him to criminal prosecution, he replied: "No, I don't think this Committee has a right to pry into my associations. That is my own position." The Court held that this was not an effective waiver of the privilege, that waiver is not lightly inferred, and that at most the "no" was equivocal, since it may have referred to the reasons underlying the witness' assertion of the privilege. One does not have to disclose the precise hazard he fears. The Court also ruled that it was immaterial that some of the questions dealing with associations sought information which Emspak might have been able to explain away on some innocent basis unrelated to communism. If the answer tends to be incriminatory, a witness does not lose the privilege merely because he might be able to refute any inference of guilt in a later prosecution.

Justices Reed and Minton dissented for the reasons given in the former's dissenting opinion in the *Quinn* case. Justice Harlan also filed a dissenting opinion in which he agreed that Emspak had adequately invoked the privilege, but could not agree that the 58 questions on associations called for possibly incriminatory answers. Asserting that the danger of prosecution must be real, and not an imaginary possibility, he thought that many of these questions were innocent, revealing no more than was already known, and that one could say he knew a man without admitting he knew he was a Communist. In his view there is no legal right not to "stool pigeon" on others. He was also certain that the witness knew that the committee wanted its questions answered.

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[22] 349 U.S. 190 (1955).

In the third case, *Bart* v. *United States*,[23] the witness, then general manager of the *Daily Worker*, was convicted of contempt for refusing to tell the committee his name when he came to this country as a child, his name before he changed it to Bart, his father's name, and the identity of officials of the Ohio section of the Communist party in 1936. On the name questions Bart raised the issue of pertinency, and on the last question he unequivocally pleaded the privilege against self-incrimination. In the court of appeals he abandoned his defense of lack of pertinency. The Supreme Court reversed by a 6–3 vote, holding that, contrary to the position of the court of appeals, the abandonment of the defense of the lack of pertinency did not erase Bart's objections from the committee record. This being so, there still had to be an affirmative ruling from the committee, and this was never made. In fact, the chairman said at the time, "We don't rule on objections." Having objected, Bart was entitled to a clean-cut ruling from the committee, even though his claims were later abandoned or found to be invalid.

Justices Reed and Minton, dissenting, took the position that Bart had been sufficiently apprised of the disposition of his objections. Justice Harlan also dissented, arguing that Bart must have understood that the committee was insisting on his answering the questions. For example, as to his name, the committee asked and pressed the question four different ways. A man of Bart's intelligence, Justice Harlan insisted, must have known that the committee regarded his objections as unfounded.

While in these three cases the Supreme Court ruled for the first time that the privilege against self-incrimination may be invoked by witnesses testifying before congressional committees—a point long assumed and often affirmed by the lower federal courts—and while several interesting aspects of the privilege were explored, the net impact of these cases in practical terms will probably not be very great. Committees will simply have to be careful to reject explicitly a witness' objection to a question and direct him with equal explicitness to answer it. As a matter of fact, this has been the general practice of most investigating committees heretofore. There does not seem to be anything in the strictures of the Chief Justice which is likely to impose any undue burden upon the investigatory power of Congress.

Deportation of Aliens. Problems in connection with the deportation of aliens[24] continue to reach the Supreme Court. One of the most important is that of the nature and extent of judicial review of deportation orders. It will be recalled that in the *Heikkila* case,[25] decided in 1953, the Court held that the validity of a deportation order issued under the Immigration Act of 1917 may be challenged only by way of habeas corpus, and not by injunction or declaratory judgment pursuant to the Administrative Procedure Act (APA). When this question first arose with regard to the Immigration and Nationality Act of 1952, the Court of Appeals for the District of Columbia held, in the *Rubinstein* case,[26] that under the new statute deportation orders may be reviewed in an action for declaratory and injunctive relief. The Supreme Court affirmed, without opinion, by a 4–4 vote.[27] Now, in *Shaughnessy* v. *Pedreiro*,[28] the Court has ruled squarely on the issue.

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[23] 349 U.S. 219 (1955).

[24] See: Frank L. Auerbach, *Immigration Laws of the United States* (Indianapolis, 1955); Charles P. Schwartz, Jr., "American Immigration Policy," *Columbia Law Review*, Vol. 55, pp. 311–41 (March, 1955); Comment, "The Expatriation Act of 1954," *Yale Law Journal*, Vol. 64, pp. 1164–1200 (July, 1955); Laurent B. Frantz, "Deportation Deliriums," *The Nation*, Vol. 180, pp. 258–64 (March 26, 1955).

Following administrative hearings, Pedreiro, an alien, was ordered deported under the 1952 Immigration Act. He petitioned the federal district court to review the order, declare it void, and issue an injunction restraining execution pending final court action. Pedreiro alleged that there was no legal evidence to support the order, and that he had been compelled to incriminate himself at the hearings, contrary to due process. He sought relief only against the District Director of Immigration and Naturalization for the District of New York. The district court dismissed the petition on the ground that either the Attorney General or the Commissioner of Immigration and Naturalization was an indispensable party. It did not, therefore, rule on the other ground urged by the government for dismissal, that the 1952 Act precluded judicial review of deportation orders by any method except habeas corpus. The court of appeals reversed, rejecting both of the government's contentions, on the authority of the *Rubinstein* case. The Supreme Court agreed with the court of appeals by a 6–3 vote.

Section 10 of APA provides: "Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof." Section 12 of APA provides that "no subsequent enacted legislation shall be held to supersede or modify the provisions of this Act except to the extent that such legislation shall do so expressly." In the 1952 Immigration Act there is no language which "expressly" supersedes or modifies the expanded right of review granted by Section 10 of APA.

The 1952 Act, however, provides, as did the 1917 Act, that deportation orders of the Attorney General are "final." But Justice Black, who delivered the opinion of the Court, held that to read the word "final" in the 1952 Act as it was read in the 1917 Act, which is what the government requested, would run counter to Sections 10 and 12 of APA, their purpose being "to remove obstacles to judicial review of agency action under subsequently enacted statutes like the 1952 Immigration Act." He went on to say: "It is more in harmony with the generous review provisions of the Administrative Procedure Act to construe the ambiguous word 'final' in the 1952 Immigration Act as referring to finality in administrative procedure rather than as cutting off the right of judicial review in whole or in part. And it would certainly not be in keeping with either of these Acts to require a person ordered deported to go to jail in order to obtain review by a court." Justice Black also ruled that full judicial review of deportation orders was supported by the legislative history of both APA and the 1952 Immigration Act. Senator McCarran and Congressman Walter, who sponsored both statutes, agreed that APA applied.

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[25] *Heikkila* v. *Barber*, 345 U.S. 229 (1953). See this REVIEW, Vol. 48, pp. 67–68 (March, 1954).

[26] *Rubinstein* v. *Brownell*, 92 App. D.C. 328, 206 F. 2d 449 (1953).

[27] 346 U.S. 929 (1954).

[28] 349 U.S. 48 (1955).

Finally, the Court held that the Commissioner was not an indispensable party, since the district directors are authorized by regulation to issue warrants of deportation, and actually enforce the orders. Any other interpretation would require every alien to try his case in the District of Columbia to get jurisdiction over the Commissioner, and such a view is completely inconsistent with the basic policy of APA to facilitate judicial review. As to whether a judgment against a district director alone would be final, Justice Black said that it should not be assumed that a decision on the merits in a court of appeals, subject to review by the Supreme Court, would be lightly disregarded by the immigration authorities. Nor could it be assumed that a second effort to have the same issue decided in a habeas corpus proceeding would impose any serious burden on the government, since in habeas corpus proceedings the district courts would have the duty to take into consideration previous court decisions on the same matter.

Speaking for the three dissenters, Justice Minton maintained that since on the point at issue the 1952 Immigration Act used the same language that appeared in the 1917 Act, the former is not "subsequently enacted legislation." Since 1891 the word "final" in the Immigration Acts has precluded judicial review except by habeas corpus. In view of this long history, and the 1952 reenactment, Justice Minton was reluctant to impute to Congress an intention to change the method of review in the absence of a clear showing.

The chief significance of the rule of the *Pedreiro* case lies in the fact that the alien no longer has to wait until he is arrested to get judicial review of the deportation order. There will probably be little or no change in the scope of review, since the federal courts have over the years taken a very generous view of the term "jurisdiction" when reviewing deportation orders in habeas corpus proceedings.

An important procedural point was finally established in the second *Accardi* case.[29] Again it will be recalled that in 1954 the Court held that when the Board of Immigration Appeals deals with an application for a suspension of deportation, the board must exercise its own discretion.[30] Accardi had claimed that the denial of his application by the Board was prejudged by the fact that the Attorney General had previously included his name in a confidential list of

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[29] *Shaughnessy* v. *U.S. ex rel. Accardi*, 349 U.S. 280 (1955).

[30] *U.S. ex rel. Accardi* v. *Shaughnessy*, 347 U.S. 260 (1954). See this REVIEW, Vol. 49, pp. 70–71 (March, 1955).

"unsavory characters" who should be deported. In his habeas corpus proceeding the district court refused to give him a hearing on this issue. By a 5–4 vote the Supreme Court remanded the petition for such a hearing.

Accardi got his hearing. The district court concluded that each member of the Board had reached his own decision on the merits, free from dictation or suggestion, and dismissed the petition. The court of appeals reversed on the ground that the Attorney General's statement had unconsciously influenced the Board members. A concurring judge thought that all the Supreme Court's opinion required Accardi to do was to prove that there was a list as alleged, and that it was known to the Board that he was on it. One judge dissented on the ground that all Accardi was entitled to was a hearing on the question of whether the Board's decision was its own or one dictated by the Attorney General, and concluded that the trial judge was not clearly erroneous. Six Justices agreed with this dissenting judge, holding that Accardi had to prove not only that a majority of the Board knew about the list, but also that they were affected by it. Justice Clark noted that there was uncontradicted testimony of a number of witnesses, including the Board members, that the Board made its own decision, and that in the light of all the evidence this conclusion was not incredible. In fact, the record shows that there was no list at all, but only publicity dealing with the deportation program, and the Attorney General himself testified that there was no such list, and that he had never discussed the matter with any member of the Board. "In the face of such evidence," said Justice Clark, "we do not believe that speculation on the effect of subconscious psychological pressures provides sufficient justification for rejecting the District Court's finding as clearly erroneous."

Justice Frankfurter joined in a dissenting opinion written by Justice Black, who argued that the Court was giving the former opinion too narrow a meaning. He thought that Accardi did prove that the Attorney General had prejudiced his case. In his reading of the record, what the district court held was that Accardi could have relief only if he proved that the Board felt itself "dictated to" by the Attorney General. Justice Black thought that it was a bad practice to subject administrative officers acting in a quasi-judicial capacity to a probe of the mental processes which led them to decide as they did, and that the Attorney General's statements placed the Board, the members of which hold office completely at his will, in a position in which no judicial agency should be put. He noted that there was not a single case where an alien on the proscribed list has ever been granted final discretionary relief.

A third deportation case, *Marcello* v. *Bonds*[31], raised a number of interesting procedural questions which the Court resolved by a 5–3 vote. Marcello, a native of Tunis, was ordered deported, after a hearing, pursuant to Section 242(b) of the Immigration Act of 1952, for the reason that he had been convicted in 1938 of violating the Marihuana Tax Act and sentenced to one year in jail. Section 241(a) (11) of the 1952 Act makes conviction *at any time* ground for deportation. Section 241(d) declares that the deportation provisions of Section 241(a) shall apply even though the facts giving rise to the alien's deportability occurred prior to 1952. Marcello advanced the following contentions in a habeas corpus proceeding: (1) the hearing failed to comply with APA because the special inquiry officer was under the supervision and control of officials in the Immigration Service who performed both investigative and prosecuting functions; (2) in the absence of a fair hearing, due process was violated; (3) a public statement on the day of his arrest by the Attorney General that he was an undesirable who ought to be deported, and his inclusion in the Attorney General's list of 152 persons he wanted to deport, prejudiced the hearing officer; (4) the retroactive application of Section 241(a) (11) was *ex post facto.*

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[31] 349 U.S. 302 (1955).

The Supreme Court rejected all of these contentions. As to the first, while it is true that the Court once ruled, in *Wong Yang Sung* v. *McGrath,*[32] that deportation proceedings were subject to several sections of APA, this holding was promptly set aside by an act of Congress[33] which provided that proceedings dealing with the exclusion or expulsion of aliens were not to be governed by Sections 5, 7, and 8 of APA. Justice Clark decided that Congress did not reverse itself when it adopted the 1952 Immigration Act, whose detailed provisions on procedure indicate that Congress set up a special administrative procedure for deportation hearings. The Court could not agree that due process had been denied because the hearing officer was subject to the supervision and control of officials in the Immigration Service charged with investigative and prosecuting functions. Such an inference was contradicted by "the long-standing practice in deportation proceedings, judicially approved in numerous decisions in the federal courts, and . . . the special considerations applicable to deportation which the Congress may take into account in exercising its particularly broad discretion in immigration matters."

As for the claim of prejudgment, Justice Clark pointed out that it was not alleged that the inquiry officer or the Appeals Board had seen the list, had known of its existence, or had been influenced by it. No evidence on this point was supplied to the Board, though it had been promised. So far as the unfavorable newspaper publicity was concerned, it was noted that the hearing officer could not have been influenced, since all he had to do was merely apply the statute to the undisputed facts. Finally, the Court repeated the well-established rule that the *ex post facto* doctrine does not apply to deportation proceedings, a rule recently reaffirmed.[34]

Justice Black wrote a dissenting opinion with which Justice Fankfurter indicated agreement. Starting with the premise that "a fair hearing necessarily includes an impartial tribunal," he maintained that since the hearing officer adjudicated the very case which his superiors initiated and prosecuted, a serious due process issue existed not to be dismissed lightly. Furthermore, he thought that Section 5 of APA applied to this situation, on the theory that the 1952

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[32] 339 U.S. 33 (1950).

[33] 64 *Stat.* 1048 (1951).

[34] *Galvan* v. *Press,* 347 U.S. 522 (1954); *Harisiades* v. *Shaughnessy,* 342 U.S. 580 (1952).

Immigration Act repealed the 1950 statute which set aside the *Wong Yang Sung* case, and that this was amply supported by legislative history. Justice Douglas chose to reopen in his dissenting opinion an old debate about the meaning of the *ex post facto* doctrine. He argued that it had not always been limited to criminal prosecutions,[35] and that "deportation may be as severe a punishment as loss of livelihood."

Urban Redevelopment and Rights of Property Owners. By unanimous vote the Court upheld the constitutionality of the District of Columbia Redevelopment Act of 1945 in *Berman* v. *Parker*.[36] Congress made a legislative determination that there were substandard and blighted areas in Washington, a fact which is obvious to any casual observer with eyes to see, that these areas were injurious to health, safety, morals, and welfare, that the acquisition of property was necessary to eliminate these housing conditions, and that this could not be accomplished by the ordinary operations of private enterprise. The statute created a District of Columbia Redevelopment Land Agency with the power to acquire and assemble by eminent domain and otherwise real property in blighted areas. The National Capital Planning Commission was directed to make a comprehensive or general plan for the District, including a land-use plan, and to make specific plans for specific project areas, subject to the approval of the District Commissioners after public hearing. The Agency may then acquire and assemble the real property in the area, and it is authorized to transfer to public authorities the land which is to be devoted to public purposes (streets, utilities, recreation, schools), and lease or sell the remainder as an entirety or in parts to a redevelopment company, individual, or partnership. The leases or sales must provide that the lessees or purchasers will carry out the plan. Preference is given to private enterprise over public agencies in executing the redevelopment plan.

Berman owned a small department store in the area of one of the projects. Since this was commercial and not residential property, he claimed that it was not slum housing, and that therefore it was not necessary to condemn it for slum clearance. He also stressed the fact that it will be put into a project under the management of a private, not a public agency, and argued that it would be redeveloped for private and not public use. The Court sustained the program against all constitutional objections. Above all, it went farther than it ever has in the past in approving the regulation of property through the police power for aesthetic purposes.

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[35] Citing as examples *Fletcher* v. *Peck*, 6 Cranch 87, 138–39 (1810); *Cummings* v. *Missouri*, 4 Wall. 277 (1867); *Ex parte Garland*, 4 Wall. 333 (1867).

[36] 348 U.S. 26 (1954). The problems growing out of urban redevelopment were explored extensively during the year. See: Symposium, "Land Planning in a Democracy," *Law and Contemporary Problems*, Vol. 20, pp. 197–350 (Spring, 1955), and especially, Corwin W. Johnson, "Constitutional Law and Community Planning," pp. 199–217; Symposium, "Urban Housing and Planning," *Law and Contemporary Problems*, Vol. 20, pp. 351–529 (Summer, 1955); Note, "Public Use as a Limitation on Eminent Domain in Urban Renewal," *Harvard Law Review*, Vol. 68, pp. 1422–36 (June, 1955); Richard A. Lavine, "Extent of Judicial Inquiry into Power of Eminent Domain," *Southern California Law Review*, Vol. 28, pp. 369–83 (July, 1955); Clinton Rodda, "The Accomplishment of Aesthetic Purposes under the Police Power," *Southern California Law Review*, Vol. 27, pp. 149–79 (Feb., 1954); Robert A. Bergs, "Aesthetics as a Justification for the Exercise of the Police Power or Eminent Domain," *George Washington Law Review*, Vol. 23, pp. 730–50 (June, 1955).

Speaking for the Court, Justice Douglas noted that the power of Congress over the District of Columbia included all the legislative powers of a state, among them the police power, as to which the legislative discretion is not only very broad, but also "well-nigh conclusive." And this principle is no different merely because eminent domain is involved. The judiciary's function in determining whether the police power is being exercised for a public purpose is "an extremely narrow one." Pointing out that the police power extends to many traditional purposes, such as safety, health, morality, and public order, Justice Douglas declared: "Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing the people who live there to the status of cattle. They may indeed make living an almost insufferable burden. They may also be an ugly sore, a blight on the community which robs it of charm, which makes it a place from which men turn. The misery of housing may despoil a community as an open sewer may ruin a river."

Since the concept of public welfare is broad, Justice Douglas insisted that it was not for the Court to decide whether a particular housing project is desirable. "The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled. . . . If those who govern the District of Columbia decide that the Nation's Capital should be beautiful as well as sanitary, there is nothing in the Fifth Amendment that stands in the way."

Since the power of eminent domain is merely a means to an end, it is within the discretion of Congress to utilize private enterprise rather than public ownership, to permit certain property owners in the area to repurchase their properties for redevelopment, and to approach the problem on an area instead of a building-by-building basis. It was held that the standards set out in the Act were sufficiently definite, and that it was not for the courts to decide upon the boundary lines of an area or review the size of a project. The rights of the property owners are satisfied when they receive that just compensation which the Fifth Amendment exacts as the price of the taking.[37]

[37] Compare this decision with *City of New Orleans* v. *Levy* 223 La. 14, 64 So. 2d 798 (1953), wherein the Supreme Court of Louisiana held constitutional a city ordinance providing for the preservation of the quaint and distinctive character of the Vieux Carré section of New Orleans by imposing restrictions on the use of signs and on building alterations. The court said that "perhaps aesthetic considerations alone would not warrant an imposition" of these restrictions, and therefore went on to argue that the legislation had commercial value also, and would promote the welfare of the community. For recent comparable decisions see: *Opinion of the Justices to the Senate*, 128 N.E. 2d 557 (Mass. 1955); *State ex rel. Saveland Park Holding Corp.* v. *Wieland*, 269 Wis. 262, 69 N.W. 2d 217 (1955), certiorari denied, 76 S. Ct. 81 (1955).

Eminent Domain and Compensable Interests. An old question of Indian law came up from the Court of Claims in *Tee-Hit-Ton Indians* v. *United States.*[38] An identifiable group of some 60 to 70 Alaskan Indians claimed compensation for a taking by the United States of certain timber from Alaskan lands allegedly belonging to the group. These Indians had no substantive statute to rely upon, but grounded their suit entirely on the Fifth Amendment right to compensation. The United States denied that the Indians had any compensable interest, arguing that they had only a right to use the land in question at the will of the government. An act of 1947 authorized the Secretary of Agriculture to sell the timber on this land. By a 5–3 vote the Court affirmed the holding of the Court of Claims in favor of the government. Justice Reed pointed out that where, by treaty or other agreement, Congress has declared that Indians were to hold lands permanently, then compensation must be paid for a later taking. But in this instance he could find no legislation to indicate that Congress ever intended to vest in these Indians any permanent rights in Alaskan lands occupied by them with the permission of Congress. It was clear to him that Congress merely intended to retain the status quo until further action was taken. While congressional recognition of the Indian right of permanent occupancy need not take any particular form, "there must be the definite intention by congressional action or authority to accord legal rights, not merely permissive occupation." After the conquest, said Justice Reed, where Congress did not specifically recognize ownership, the Indians had mere possession, and this is not a property right but only a right of occupancy which the sovereign protects against third party intrusion and may terminate without any legally enforceable obligation to pay compensation. The rule has always been that the taking of unrecognized Indian title is not compensable under the Fifth Amendment, since the Indian occupation of land without government recognition of ownership creates no rights against a taking by the United States which is protected by any legal principle. Thus in this instance compensation was held to be altogether a policy question for Congress to decide on, and not the requirement of a constitutional principle.

The three dissenters called attention to Section 8 of the first Organic Act for Alaska, 1884, which declared that Indians "shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress." They thought that legislative history supported the conclusion that Congress had recognized the claims of these Indians to their Alaskan lands.

This decision probably has a very limited significance, in the light of the enactment by Congress in 1946 of the Indians Claims Commission Act,[39] under which claims may be brought against the United States based either on positive law or on "fair and honorable dealings that are not recognized by any existing rule of law or equity." However, this statute specifically applies only to claims which accrued before the date of its enactment, August 13, 1946, and the *Tee-Hit-Ton* claim arose from a taking by the government authorized by Congress in 1947. The Court of Claims recently ruled that original Indian title is compensable under the 1946 statute, and the Supreme Court refused certiorari to review the decision.[40]

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[38] 348 U.S. 272 (1955).

[39] 60 *Stat.* 1049.

Lawyer Troubles: Disbarment. After Abraham J. Isserman, one of the lawyers who represented the Communist leaders in the *Dennis* case,[41] was given a jail sentence by Judge Medina for contempt,[42] the highest court of New Jersey disbarred him, and the Supreme Court refused to grant certiorari.[43] Then the Supreme Court disbarred him by a 4–4 vote, this result following from the fact that as the pertinent Rule 2(5) then stood, a lawyer already disbarred by a state court had the burden of showing cause why he should not be disbarred by the Supreme Court.[44] But soon afterwards the Court adopted a set of Revised Rules which went into effect July 1, 1954,[45] and Rule 8 now states: "No order of disbarment will be entered except with the concurrence of a majority of the justices participating." On the strength of the new Rule, a motion for rehearing was granted and the previous order of disbarment was set aside.[46] Three Justices dissented, and two did not participate.

Admission to the Bar. Under the Local Rules of the United States District Court for the Southern District of Texas, an attorney may not be admitted to its bar unless, among other things, his "private and personal character shall be unexceptional." Following an informal hearing before the local Bar Committee, and an adverse recommendation by it, a three-judge district court denied the application of Ben G. Levy for admission, and the Court of Appeals for the Fifth Circuit affirmed on technical procedural grounds.[47] Apparently he was denied admission because it was found that he associated with a man who was "generally considered" to be a member of the Communist party. The Supreme Court reversed with a mere *per curiam* observation that the record did not disclose "sufficient grounds" for refusing to admit Levy to the bar of the district court.[48]

Contempt of Court by Counsel. Throughout a long fourteen-day trial of a man accused of abortion, his lawyer, Offutt, and the judge clashed, with more and more personal overtones, the judge often warning counsel that he was exceeding the limits of aggressive advocacy. Following a trial, pursuant to Rule 42(a) of the Federal Rules of Criminal Procedure, and on the authority of the *Sacher* decision,[49] the judge summarily found Offutt guilty of criminal contempt on the basis of a certificate which recited twelve findings of "contumacious and unethical conduct," and sentenced him to ten days in jail. The court of appeals affirmed, holding that four of the twelve findings amply supported the commitment, but reduced the sentence to 48 hours because of the judge's own conduct. By a 6–3 vote, the Supreme Court reversed the conviction of Offutt for criminal contempt and remanded for a hearing before another judge.[50]

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[40] *Otoe and Missouria Tribe of Indians* v. *United States,* 131 F. Supp. 265 (1955), certiorari denied, 76 S. Ct. 82 (1955)

[41] *Dennis* v. *United States,* 341 U.S. 494 (1951).

[42] Confirmed in *Sacher* v. *United States,* 343 U.S. 1 (1952).

[43] *Isserman* v. *Ethics Committee.* 345 U.S. 927 (1953).

[44] *In re Isserman,* 345 U.S. 286 (1953). Justice Clark did not participate.

[45] 346 U.S. 949–1018.

[46] *In re Disbarment of Isserman,* 348 U.S. 1 (1954).

[47] Application of Levy, 214 F. 2d 331 (1954).

[48] *In re Levy,* 348 U.S. 978 (1955).

Speaking for the Court, Justice Frankfurter made it clear that the extraordinary power of the judge to punish for contempt summarily is required for the proper administration of justice. But he also noted that the Court has ruled that a district judge should not himself sit in judgment where the contempt charged is entangled with his personal feeling against the lawyer. The "vital point," he said, is that the judge "should not himself give vent to personal spleen or respond to a personal grievance." As Chief Justice Taft once ruled in the *Cooke* case,[51] where delay will not hurt, and conditions do not make it impracticable, "a judge called upon to act in a case of contempt by personal attack upon him, may, without flinching from his duty, properly ask that one of his fellow judges take his place." Thus, under this rule the judge should not have decided the contempt question himself, since the record shows clearly that he allowed himself to get embroiled personally with Offutt. It should be noted that in the *Cooke* case the Chief Justice said that the district judge "may" ask another judge to decide the contempt question; now the Court seems to say "shall" instead of "may."

Justices Black and Douglas concurred, but repeated a point they had previously made,[52] that on the remand Offutt should be given a jury trial. Three Justices dissented, with Justice Minton asserting that they were dealing with a "piddling case," and that the *Cooke* rule had been supplanted by the *Sacher* decision. The only issue he could see here was the severity of the punishment, and the two-day sentence approved by the court of appeals seemed satisfactory to him.

2. THE FEDERAL TAXING POWER

In 1953, in *United States* v. *Kahriger*,[53] the Court sustained over the objections of Justices Frankfurter, Douglas, and Black, and with the reluctant concurrence of Justice Jackson, the constitutionality of the Gamblers' Occupation Tax Act of 1951. This Act levies an occupational tax of $50 a year upon all persons "engaged in the business of accepting wagers," requires registration with the Collector of Internal Revenue, and imposes a tax of 10 per cent upon all wagers except parimutuel wagering licensed by the states. The violation in *Kahriger* occurred in Pennsylvania. In contrast, in *Lewis* v. *United States*,[54] the petitioner was prosecuted in the District of Columbia. With the same Justices dissenting, the Court again upheld the statute, notwithstanding the fact that wagering is by federal law a crime in the District. As in *Kahriger*, the Court emphasized that the $50 tax must be paid *before* one engages in the business of accepting wagers. Justice Minton, who delivered the opinion of the Court, noted that it was settled in *Kahriger* that this Act was a constitutional exercise of the taxing power, and not a penalty under the guise of a tax. The short answer to the argument that wagering was defined as a crime in the District by federal law was that "this Court has long held that the Federal Government may tax what it also forbids."

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[49] *Sacher* v. *United States*, 343 U.S. 1 (1952).

[50] *Offutt* v. *United States*, 348 U.S. 11 (1954).

[51] *Cooke* v. *United States*, 267 U.S. 517, 539 (1925).

[52] In dissenting opinions in *Sacher* v. *United States*, 343 U.S. 1 (1952) and *Isserman* v. *Ethics Committee*, 345 U.S. 927 (1953).

[53] 345 U.S. 22. [54] 348 U.S. 419 (1955).

As in the previous case, the principal issue was whether the Act was consistent with the Self-Incrimination Clause of the Fifth Amendment. With regard to the individual's protection, Justice Minton emphasized that "the Fifth Amendment provides that one cannot be *compelled*, in a criminal case, to be a witness against himself." Furthermore, he insisted that the Act was not retrospective. It does not mean that one must first have made a wager before paying the tax. On the contrary, the tax is wholly prospective, for one must pay the tax *before* engaging in the business of wagering. "If petitioner desires to engage in an unlawful business," declared Justice Minton, "he does so only on his own volition. . . . There is nothing compulsory about it. . . ." If he does not pay the occupational tax, accepts wagers, and is prosecuted, he can then claim his privilege. Men "may have to give up gambling, but there is no constitutional right to gamble. If they elect to wager, though it be unlawful, they must pay the tax." As for the argument that to require the petitioner to pay the tax and exhibit the stamp is to furnish probable cause for the issuance of a warrant, Justice Minton declared that "the ready answer is that the petitioner has no stamp." That is to say, since he has no stamp he is in no position to raise the issue of what might happen to him if he had one.

In a brief statement Justice Frankfurter described the Act in question as "a spurious use of the taxing power as a means of facilitating prosecution of federal offenses." Justice Black dissented at greater length, arguing that this decision reduces the Fifth Amendment protection even more than the *Kahriger* decision did. For Kahriger had to confess only to state law violations; here the statute requires a man to supply evidence which may be useful and even sufficient to convict him of felonies. Justice Black agreed that there was no constitutional right to gamble, but he insisted that gamblers, like other people, have a right to invoke the safeguards of the Bill of Rights.

In a group of cases important for the administration of the income tax laws, the Court by unanimous vote reviewed fully and approved of criminal prosecution for income tax evasion by use of the net worth method, now one of the government's most important techniques in dealing with tax evaders.[55] Briefly, with this method the government seeks to establish the taxpayer's net worth at

[55] *Holland* v. *United States*, 348 U.S. 121 (1954); *Friedberg* v. *United States*, 348 U.S. 142 (1954); *Smith* v. *United States*, 348 U.S. 147 (1954); *United States* v. *Calderon*, 348 U.S. 160 (1954). Since 1943, when the Court last reviewed a case involving the net worth approach, *United States* v. *Johnson*, 319 U.S. 503 (1943), it had consistently refused to

the beginning of the period on which the indictment is based, and then to compare it with his net worth at the end of the period. These cases dealt with no constitutional law questions, the Court reviewing in its capacity as superviser of the administration of the criminal law in the federal trial courts. While the net worth method was upheld, the Court warned of the "pitfalls" inherent in the method and stressed that it must be used with "great care and restraint." Justice Clark made the following points:

1. Care must be taken that the charges are clear.

2. The government must investigate all leads furnished by the taxpayer, and must effectively negate all reasonable explanations by the taxpayer inconsistent with guilt.

3. Increases in net worth, standing alone, cannot be assumed to be attributable to currently taxable income.

4. The burden of proof rests on the government to prove a likely source.

5. The government must prove wilfulness.[56]

6. While the government may use extrajudicial admissions by the taxpayer establishing a low opening net worth, they must be sufficiently corroborated.[57] Emphasized was the federal rule, which is indeed the rule in most states, that an accused may not be convicted on his own uncorroborated confession. There are good reasons for this rule: "sound law enforcement requires police investigations which extend beyond the words of the accused"; confessions may be unreliable because coerced or induced; the defendant may not be able to prove the involuntary nature of his statements; police investigations exert pressure, and the accused is subject to strain and confusion. The requirement of corroboration may properly be applied to the crime of tax evasion, even though there is no tangible *corpus delicti*, as in the case of crimes of violence, in connection with which the corroboration rule had its inception. The corroboration rule applies to a statement concerning opening net worth, because it is vital to the case.

7. As for the quantum of corroborative evidence, it does not have to prove the offense beyond a reasonable doubt, or even by a preponderance, "as long as there is substantial independent evidence that the offense has been committed, and the evidence as a whole proves beyond a reasonable doubt that defendant is guilty." Corroboration is necessary for all elements of the offense established by admissions alone, but it is sufficient if the corroboration merely fortifies the truth of the confession, without independently establishing the crime charged.

3. THE FEDERAL COMMERCE POWER

There were, as usual, several antitrust cases in the 1954 Term which tested the scope of federal power under the Commerce Clause. They also tested the

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grant certiorari in such cases. See Leslie Mills, "The Net Worth Approach in Determining Income," *Virginia Law Review*, Vol. 41, pp. 927–57 (Nov., 1955); J. W. Burns and M. L. Racklin, "Trial by Net Worth," *Taxes*, Vol. 33, pp. 121–30 (Feb., 1955).

[56] *Holland* v. *United States*, *supra*.

[57] *Smith* v. *United States*, *supra*.

Court's capacity to make distinctions, which may confidently be described as practically limitless. The problem in *United States* v. *Shubert*[58] was whether the business of producing, booking, and presenting legitimate stage attractions on a multi-state basis constituted interstate commerce within the meaning of the Sherman Act. The government brought a civil action against three individuals and three corporations controlled by them who produced theatrical attractions, booked them in theatres throughout the country, and operated about 40 theatres in eight states. The district court dismissed the complaint on the authority of the 1922 decision in the *Federal Baseball Club* case,[59] which was reaffirmed in 1953 in the *Toolson* decision.[60] These cases held that professional baseball was not covered by the antitrust laws, on the theory that the business of giving exhibitions was purely local, and the transportation of players and equipment incidental.

The complaint described the interstate phases of the business of the defendants. There was a continuous stream of trade and commerce, including the assemblage and transportation of personnel and property, the making and performance of contracts under which attractions are routed and presented in various states, and the transmission of applications, letters, memoranda, communications, commitments, contracts, money, checks, drafts, and other exchange media across state lines. The complaint alleged restraint of this commerce, and a conspiracy to monopolize certain phases by means of such practices as compelling exclusive booking by other producers, prevention of competition, discrimination, and combination to maintain a dominant position. The government asked mainly for the divorcement of the booking and presentation branches of the business.

In reversing the district court, Chief Justice Warren emphasized that the Court has construed the term "trade or commerce" broadly to include such diverse activities as the production, distribution, and exhibition of motion pictures, real estate brokerage, the gathering and distribution of news, medical services to members of a health cooperative, and insurance underwriting. Similarly the term "among the several states" has been held to embrace a "continuous and indivisible stream of intercourse among the states," including the transmission of large sums of money and communications by mail, telephone, and telegraph, in the great insurance case.[61]

The main problem was to explain away the baseball decisions. So far as the 1922 case was concerned, it was insisted that Justice Holmes was dealing there with the business of baseball and nothing else. And at the very next Term, in the *Hart* case,[62] Justice Holmes, speaking for a unanimous Court, ruled that the baseball case did not automatically immunize the theatrical business from the antitrust laws, holding that the transportation may not be incidental. As for the *Toolson* case, the Chief Justice explained that the Court was confronted with the unique fact that for over 30 years the earlier decision had fixed specifically the status of baseball under the antitrust laws, and baseball developed in reliance upon this decision. Even so, he insisted that the Court did not necessarily reaffirm in 1953 all that was said in *Federal Baseball.* Instead, the Court had asserted that it was not re-examining the underlying issues, but was adhering to the 1922 precedent so far as that decision determined that Congress had no intention of including baseball within the scope of the Sherman Act. "In short, *Toolson* was a narrow application of the rule of *stare decisis.*"

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[58] 348 U.S. 222 (1955).

[59] *Federal Baseball Club* v. *National League*, 259 U.S. 200 (1922).

[60] *Toolson* v. *New York Yankees*, 346 U.S. 356 (1953). See this REVIEW, Vol. 49, pp. 74–75 (March, 1955).

[61] *United States* v. *South-Eastern Underwriters Assoc.*, 322 U.S. 533 (1944).

[62] *Hart* v. *B. F. Keith Vaudeville Exchange*, 262 U.S. 271 (1923).

But the Court refused to convert the narrow interpretation of *Toolson* into a sweeping rule giving immunity to every business based on the live presentation of local exhibitions, regardless of how extensive its interstate phases may be. The Chief Justice suggested that if the *Toolson* rule is to be expanded or contracted, it is up to Congress to do it. Furthermore, far from holding that the theatrical business is not subject to the Sherman Act, the Court served notice within less than a year after *Federal Baseball,* in the *Hart* case, that the theatrical business could not rely upon the baseball case as a basis for exemption from the antitrust laws. The controlling decisions were held to be the *Hart* case and the motion picture cases.[63]

It was difficult enough to distinguish between baseball games and theatrical presentations. It was much more difficult to distinguish between baseball and boxing, but a majority of the Court were equal to the occasion in *United States* v. *International Boxing Club.*[64] This case involved a civil antitrust action against two individuals and three corporations engaged in the business of promoting professional boxing contests. The district court dismissed the complaint on the authority of the baseball cases.

The complaint alleged that the defendants utilized the channels of interstate commerce to negotiate contracts with boxers, advertising agencies, seconds, referees, judges, etc., that they maintained training quarters in states other than those in which the promoters reside, that they leased arenas in various states, sold tickets across state lines, sold rights to make and distribute motion pictures of boxing contests in thousands of theatres, and above all sold rights to broadcast and telecast boxing contests through more than 3,000 radio and 100 television stations, and to telecast boxing contests to some 200 motion picture houses. Promoters' receipts from the sale of television, radio, and motion picture rights, according to the complaint, represent on the average over 25 per cent of their total revenue. The government alleged that there existed a conspiracy to exclude competition by various practices, such as requiring agreements from each title contender to engage only in bouts promoted by the defendants for a period of several years.

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[63] Justices Burton and Reed concurred for the reasons given by Justice Burton in his dissenting opinion in the *Toolson* case. Justice Minton concurred because he thought this case was controlled by the *Hart* case.

[64] 348 U.S. 236 (1955).

The Court held that the business activities in question fell within the scope of the Sherman Act. Noting that the antitrust status of the boxing business had never before been considered by the Court, Chief Justice Warren conceded that like the showing of a motion picture or the performance of a stage attraction, a boxing match is a local affair. "But that fact alone," he said, "does not bar application of the Sherman Act to a business based on the promotion of such matches, if the business is itself engaged in interstate commerce or if the business imposes illegal restraints on interstate commerce." He ruled that the fact that 25 per cent of the revenue was derived from interstate operations through the sale of radio, television, and motion picture rights was sufficient to support the conclusion that the business was within the ambit of the statute.

The Court rejected the argument that the baseball cases immunized businesses that involve exhibitions of an athletic nature, just as in the *Shubert* case it refused to accept the contention that the immunity extended to any and all live presentations of local exhibitions. The *Shubert* ruling, that *Toolson* is not authority for exempting other businesses merely because they involve the performance of local exhibitions, was held to apply fully to boxing. Finally, the Chief Justice pointed out that none of the facts underlying the *Toolson* decision was present here. No court has ever held that the boxing business is not subject to the antitrust laws. In the *Hart* case, decided within a year after the first baseball case, Justice Holmes did not draw a line between athletic and nonathletic entertainment. What was controlling was the degree of interstate activity involved in the particular business under review. Thus, *Federal Baseball* did not hold that all businesses based on professional sports are outside the scope of the antitrust laws. Whether there should be such an exemption is for Congress to decide.[65] Actually, it was pointed out, this issue was before Congress in 1951, when four bills were introduced to exempt all professional sports, but the subcommittee of the House Judiciary Committee was unanimously opposed to them, and that is as far as they got.

It is difficult to avoid the conclusion that in the thinking of a majority of the Justices baseball holds a preferred position. This was the argument of Justice Frankfurter who, in dissenting, maintained that "it would baffle the subtlest ingenuity" to find any differentiating factor between other sports and baseball so far as the applicability of the Sherman Act is concerned. In fact, he thought that the interstate aspects of baseball were far more extensive than those of boxing. Congress is free to yield to sentiment and be capricious, but he insisted that under the doctrine of *stare decisis* whimsy has no place in the Court. Justice Minton dissented for the quite different reason that he thought boxing was not trade or commerce, and was as much a matter of local exhibitions as baseball. It should be added that Justices Burton and Reed concurred separately for the reasons given in the Burton dissent in *Toolson*.

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[65] Congress has on occasion exempted particular activities from the antitrust laws: e.g., labor organizations, 38 *Stat.* 731 (1914), agricultural associations, 42 *Stat.* 388 (1922), and insurance, 59 *Stat.* 34 (1945).

They too saw no difference between boxing and baseball, but thought both were in interstate commerce.

In a third antitrust case, *Moore* v. *Mead's Fine Bread*,[66] the plaintiff brought a suit for treble damages for violation of the Clayton and Robinson-Patman Acts. Moore ran a bakery business in Santa Rosa, New Mexico, and none of his activities was in interstate commerce. The defendant corporation was in the baking business at Clovis, New Mexico, but was one of several corporations having interlocking ownership and management, and in the hands of the same group. These corporations owned plants in two Texas towns and two in New Mexico, all marketing bread under the same name and with a common advertising program, and buying their flour and bread wrappers as a unit. The plaintiff and the defendant were in competition in Santa Rosa. There was evidence that on Moore's threat to move his bakery to another town, Santa Rosa merchants agreed to buy his products exclusively. Regarding this as a boycott, the defendant company cut in half its wholesale price of bread in Santa Rosa, without reducing its prices in Texas, to which bread baked in New Mexico was trucked. The price war continued until Moore was forced out of business. The court of appeals reversed a judgment for Moore on the ground that the injury resulting from the price cutting was to a purely local competitor whose business was in no way related to interstate commerce.

By unanimous vote the Supreme Court reversed, holding that it is clear that by the Clayton and Robinson-Patman Acts Congress barred the use of interstate commerce or business to destroy local business, and outlawed the price-cutting employed by the defendant company. "We have here," said Justice Douglas, "an interstate industry increasing its domain through outlawed competitive practices. The victim, to be sure, is only a local merchant; and no interstate transactions are used to destroy him. But the beneficiary is an interstate business. . . ." And this business drew its resources from interstate as well as local sources, and kept its interstate prices high while the local prices were lowered. Thus "the profits made in interstate activities would underwrite the losses of local price-cutting campaigns."

One of the most important developments in the antitrust field during the period under review was the publication on March 31, 1955, of the *Report* of the Attorney General's National Committee to Study the Antitrust Laws.[67] This large committee of 59 members had been appointed on August 27, 1953, with Stanley N. Barnes, head of the Antitrust Division in the Department of Justice, and Professor S. C. Oppenheim of the University of Michigan Law School serving as co-chairmen. While the Committee made far more recommendations than can be mentioned here, it is of interest to note that the report is thickly studded with dissenting and special concurring opinions.[68] Perhaps the greatest amount of public attention has been drawn to the recommendations dealing with antitrust administration and enforcement (chapter 8).[69] Here the Committee recommended that the investigative powers of the Department of Justice be expanded, that in private antitrust suits the award of treble damages be made discretionary with the trial court rather than mandatory as at present, that a uniform four-year statute of limitations be applied to private antitrust actions in place of the various state statutes which control today, that the maximum criminal fine of $5,000 per count be doubled,[70] that the United States be permitted to sue for single damages,[71] that civil proceedings be favored over criminal actions, that consent procedures be encouraged and strengthened, and that trial procedures be improved, especially through greater use of pretrial conferences and interrogatories.

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[66] 348 U.S. 115 (1954).

[67] On sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., for $1.00.

[68] See especially the general dissent of Professor Louis B. Schwartz, *Report*, pp. 390–92.

Another issue of coverage under the Fair Labor Standards Act was dealt with by the Court in *Mitchell* v. *Vollmer Co.*[72] The work in question was performed in the construction of an earthwork embankment and concrete platform for the Algiers Lock in Louisiana, a unit in the Gulf Intracoastal Waterway, which extends from Florida to the Mexican border. This lock is designed to give better passage into and across the Mississippi River. Both lower courts ruled that employees working on the Algiers Lock were not engaged in interstate commerce, relying upon the *Raymond* case,[73] which held that an employee at work on a new tunnel for an interstate carrier was not subject to the Federal Employers' Liability Act, even though the tunnel, when completed, would be an interstate facility. The Supreme Court reversed, holding that the Fair Labor Standards Act is a different act, and one which has always been given a liberal construction. Whether an employee is engaged in interstate commerce within the meaning of the Act in question, said Justice Douglas, is determined by "practical considerations, not by technical conceptions." He went on to say: "The test is whether the work is so directly and vitally related to the functioning of an instrumentality or facility of interstate commerce as to be, in practical effect, a part of it, rather than isolated, local activity. . . . Repair of facilities of interstate commerce is activity 'in commerce' within the meaning of the Act." The *Raymond* case was distinguished on the ground that here the employees were not working on a new facility, but only improving existing facilities of interstate commerce.

Justices Minton and Frankfurter thought the "new construction rule" of the

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[69] See the symposium on this section of the *Report* in the *Northwestern University Law Review*, Vol. 50, pp. 305–48 (July–Aug., 1955). See also George W. Stocking, "The Rule of Reason, Workable Competition, and Monopoly," *Yale Law Journal*, Vol. 64, pp. 1107–62 (July, 1955).

[70] Congress raised the maximum fine to $50,000 per count in 1955, Act of July 7, 1955, Public Law 135, 84th Cong., 1st sess., c. 281.

[71] Congress has passed such a law, Act of July 7, 1955, Public Law 137, 84th Cong., 1st sess., c. 283.

[72] 349 U.S. 427 (1955). See Loren P. Beth, "Essentiality to Production for Commerce," *Missouri Law Review*, Vol. 20, pp. 256–72 (June, 1955).

[73] *Raymond* v. *Chicago, M. & St. P. R. Co.*, 243 U.S. 43 (1917).

FELA cases was controlling, that the administrative interpretation in the Wage and Hour Interpretative Bulletin adopted this rule, and that on the facts this was a case of new construction and not one of improving or repairing existing facilities. Perhaps the Court would have been more forthright if it had frankly overruled the *Raymond* case, since the difference between new construction and improvement of existing facilities, so far as their relation to interstate commerce is concerned, would seem to be somewhat less than cosmic.

4. FEDERAL CONTROL OVER TERRITORIES

Recently the Virgin Islands, an unincorporated territory, went into the divorce business by amending its divorce law to permit a plaintiff to file suit if he or she has resided there continuously for six weeks, and if the defendant has been served personally in the district or enters a general appearance. A wife filed suit after living there 43 days, and the husband entered an appearance, waived personal service, and denied the allegations in the complaint. The district court dismissed the complaint for want of jurisdiction over the petitioner, and the court of appeals, sitting *en banc*,[74] affirmed on the ground that the statute violated both the Due Process Clause of the Fifth Amendment and the Organic Act. By a 5–3 vote the Supreme Court affirmed, though it held that it was unnecessary to decide any constitutional issue since in its judgment Congress did not give the Legislative Assembly of the Virgin Islands the power to enact the law in question.[75]

The Organic Act of 1936 authorizes the Virgin Islands Legislative Assembly to enact laws on "all subjects of local application" not inconsistent with the laws of the United States. Justice Frankfurter, who spoke for the Court, pointed out that in the organic acts of the incorporated territories of Alaska and Hawaii there is a specific provision requiring at least two years' residence for the divorce jurisdiction. It was "hardly reasonable" to believe, he declared, that Congress intended to give an unincorporated territory "unrestricted freedom in this sensitive field of legislation." The term "local application," he said, "obviously implies limitation to subjects having relevant ties within the territory, to laws growing out of the needs of the Islands and governing relations within them." In practice, Justice Frankfurter maintained, the statute in question had no point for Virgin Islanders, and was obviously designed for outsiders. It was noted that whereas in 1940 only 34 divorces were granted there, in 1951, with the same population, the number jumped to 312, and to 343 in 1952. It was also noted that most divorces were given where the tourist facilities were the greatest. "It is inadmissible to assume," said the Justice, "that Congress authorized the Assembly to traffic in easy divorces for citizens of the States as a stimulus to money-making by the Islanders." In short, the challenged divorce law was not on a subject of "local application," and was therefore *ultra vires*.

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[74] See Richard J. Fay, "En Banc Proceedings in the United States Courts of Appeals," *George Washington Law Review*, Vol. 22, pp. 482–92 (March, 1954).

[75] *Granville-Smith* v. *Granville-Smith*, 349 U.S. 1 (1955).

The three dissenters protested that Congress has always granted the territories full authority to legislate on divorce, and that the Caribbean territories were not placed on a different footing than the others. As for the law reaching out beyond the borders of the territory, Justice Clark pointed out that many states have laws designed to attract outsiders, the Delaware corporation laws, for example. He thought the fact that Congress imposed a two-year residence requirement on Hawaii and Alaska was irrelevant, and that indeed it proved the opposite, since the fair inference would be that in the absence of the limitation these territories could do as they pleased in this respect. Justice Clark also insisted on discussing the constitutional issues which the majority had avoided. The marital relationship, in his view, does not come within the protection of the Due Process Clause. The Full Faith and Credit Clause did not apply in this case because the wife was not asking the Court to make her divorce, if granted, valid in the states. Finally, he thought the petitioner had established the fact of domicile. If a couple want a divorce, he argued, they can get one. "This being true, I see no sense in striking down the Islands' law. There is no virtue in a state of the law the only practical effect of which would be to make New Yorkers fly 2,400 miles over land to Reno instead of 1,450 miles over water to the Virgin Islands."

5. FEDERAL JUDICIAL POWER

Judicial Review of Draft Classifications.[76] There were four important cases during the 1954 Term dealing with several aspects of the problem of judicial review of draft classifications. All involved claims of members of Jehovah's Witnesses to exemption from military service as conscientious objectors. Section 6(j) of the Universal Military Training and Service Act provides that no person who "by reason of religious training and belief, is conscientiously opposed to participation in war in any form" shall be required to undergo combatant training or service. Briefly, the procedure is as follows: If the local board denies the claim to exemption, the registrant may appeal to the Appeal Board. But before this Board makes its decision, the file is sent to the Department of Justice for "inquiry and hearing." The FBI makes an investigation and prepares a report, which is referred to a hearing officer of the Department. The registrant may appear before this officer and present evidence and witnesses. The Department then sends a recommendation to the Appeal Board. The statute requires this Board to consider the recommendation, but it is not bound to follow it. On the basis of the registrant's full file, the Appeal Board makes a final determination. No direct review of Appeal Board decisions is possible. The only way a registrant can secure any judicial review is by defense to a criminal prosecution for failure to submit to induction or by a habeas corpus proceeding.

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[76] For recent writings on administrative law topics see: Note, "Judicial Review of Reversals of Policies by Administrative Agencies," *Harvard Law Review*, Vol. 68, pp. 1251–60 (May, 1955); Ralph F. Fuchs, "The Hearing Officer Problem—Symptom and Symbol," *Cornell Law Quarterly*, Vol. 40, pp. 281–325 (Winter, 1955); Kenneth Culp Davis, "Standing to Challenge Governmental Action," *Minnesota Law Review*, Vol. 39, pp. 353–430 (March, 1955); "Ripeness of Governmental Action for Judicial Review," *Harvard Law Review*, Vol. 68, pp. 1122–53, 1326–73 (May, June, 1955).

Among recent precedents it should be recalled that in *Estep* v. *United States*[77] the Court ruled that while the statutory provision that classification orders of the selective service authorities shall be "final" precludes the customary scope of judicial review, and forbids courts to weigh the evidence to determine whether the classification was justified, a board may not act without jurisdiction, and it lacks jurisdiction "if there is no basis in fact for the classification which it gave the registrant." The Court went a step further in *Dickinson* v. *United States*,[78] which held that once the registrant has demonstrated that he falls *prima facie* within the exempted class of ministers of the gospel, the board cannot make an adverse decision merely by refusing to believe his evidence, but must develop other evidence to support its conclusion. And in *Nugent* v. *United States*,[79] the Court ruled, with three Justices dissenting, that neither the statutory grant of a "hearing" nor due process requires the Department of Justice to show the registrant a copy of the FBI report, so long as he is given a fair résumé of the adverse evidence in the investigator's report.

That the scope of review is narrower in cases involving conscientious objectors than it is in the case of ministers was brought out last Term in *Witmer* v. *United States*.[80] In the course of his proceedings, Witmer made a number of inconsistent statements and claims. Affirming his conviction for failing to submit to induction, the Court noted that the scope of judicial review is narrow, that the courts are not "super draft boards," that judges should not substitute their judgments on the weight of the evidence for those of the administrators, and that the substantial evidence rule does not apply. Justice Clark made it clear that a classification can be overturned only if it has "no basis in fact." Furthermore, it was pointed out that in the *Dickinson* case there were objective, undisputed facts which placed the registrant squarely within the ministerial exemption, there being no evidence at all to rebut the *prima facie* case. But Witmer cannot make out a *prima facie* case from objective facts alone, because the ultimate question in conscientious objector cases is the sincerity of the registrant, a purely subjective question. In such cases, any facts which cast doubt on the veracity of the registrant are relevant. "In short," said Justice Clark, "the nature of a registrant's prima facie case determines the type of evidence needed to rebut his claim. If the issue is the nature of his activities, as in *Dickinson*, the evidence providing 'basis in fact' must tend to show that his activities are other than as stated. If, as here, the issue is the registrant's sincerity and good faith belief, then there must be some inference of insincerity or bad faith." On this view of the matter, the Court proceeded to find a "basis in fact" for the administrative decision. Thus, when Witmer asked for classification as a farmer, he knew the land involved had not been cultivated for 23 years. He first swore that the ministerial exemption did not apply to him, but after he was denied the farmer exemption he just as fervently claimed he was a full-time minister. Though he asked for a conscientious objector status from the outset, he also promised to contribute to the war effort, but later took the opposite position. "These inconsistent statements in themselves cast considerable doubt on the sincerity of petitioner's claim." It follows that it would not be mere suspicion or speculation for the Board to conclude that Witmer was insincere in his claim to being a conscientious objector. "Even firemen become dubious after two false alarms."

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[77] 327 U.S. 114 (1946).

[78] 346 U.S. 389 (1953). See this REVIEW, Vol. 49, pp. 84–85 (March, 1955).

[79] 346 U.S. 1 (1953). See this REVIEW, Vol. 48, p. 75 (March, 1954).

[80] 348 U.S. 375 (1955). See J. B. Tietz, "Jehovah's Witnesses: Conscientious Objectors," *Southern California Law Review*, Vol. 28, pp. 123–37 (Feb., 1955).

Justice Minton concurred, merely stating that the Board's order was an allowable one under the law and not taken arbitrarily. Justices Black and Douglas dissented without opinion.

The second case, *Sicurella* v. *United States*,[81] involved a young ordained Jehovah's Witness who, in response to the question whether he believed in the use of force under any circumstances, replied that he was willing to fight in defense of "his ministry, Kingdom Interests and . . . his fellow brethren." Overruling the hearing officer, the Department of Justice recommended that Sicurella's claim to a conscientious objector classification be denied because he was not opposed to war in any form, his reply showing that he was in favor of a theocratic war. Unlike the *Witmer* case, it was admitted that Sicurella was sincere, and the FBI report contained nothing unfavorable to his claim. The controlling statute provides that a conscientious objector must be opposed to "participation in war in any form."

The Court held that the Department of Justice recommendation was based on an error of law and reversed the conviction. Justice Clark declared that throughout Sicurella had emphasized that his weapons of warfare were spiritual, not carnal, his statements having "neither the bark nor the bite of war." As to the literature in which Jehovah's Witnesses speak of their readiness to engage in theocratic wars, Justice Clark declared that "the test is not whether the registrant is opposed to all war, but whether he is opposed, on religious grounds, to *participation* in war." He did not believe that Congress intended to include within its measure "such spiritual wars between the powers of good and evil where the Jehovah's Witnesses, if they participate, will do so without carnal weapons." Congress had in mind "real shooting wars," military conflicts between nations, "wars with bombs and bullets, tanks, planes and rockets."

Justice Reed dissented on the ground that since Sicurella believed in theocratic wars he was not within the statutory exemption. Dissenting at greater length, Justice Minton argued that the administrative findings were final, and not subject to correction by a court unless errors were made "so wanton, arbitrary and capricious as to destroy the jurisdiction of the Board." Even in the case of an honest mistake in judgment, he maintained, the Court ought not to interfere, there being not the slightest intimation of arbitrary or capricious conduct.

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[81] 348 U.S. 385 (1955).

In *Simmons* v. *United States*,[82] the registrant made no request as to the "general nature and character" of adverse evidence in the FBI report *before* his hearing, as the form notice then required, but did make such a request at the hearing. The hearing officer did not disclose all of the important unfavorable items in the FBI report. The Supreme Court reversed Simmons' conviction, pointing out that the requirement of the *Nugent* case that the registrant be given "a fair résumé" of any adverse evidence was not a matter of grace within the Department's discretion, but rather an essential element in the procedure. The notice given to the registrant, Justice Clark declared, did not clearly convey to a layman the idea that he must request the résumé prior to the hearing or forever waive his rights in this respect. Neither the statute nor the regulations were found to authorize such a waiver. Justice Clark had no doubt that Simmons never received a fair résumé of the unfavorable evidence gathered by the FBI. For example, he was not informed at all about alleged gambling and drinking, and abusiveness towards his wife. "A fair résumé," said Justice Clark, "is one which will permit the registrant to defend against the adverse evidence—to explain it, rebut it, or otherwise detract from its damaging force." At most, the hearing officer's remarks were vague hints. In providing for a hearing, the Justice declared, Congress "did not intend for it to be conducted on the level of a game of blindman's buff." Finally, the Court rejected the government's argument that no prejudice resulted. Wrote Justice Clark: "This is not an incidental infringement of technical rights. Petitioner has been deprived of the fair hearing required by the Act, a fundamental safeguard, and he need not specify the precise manner in which he would have used this right—and how such use would have aided his cause—in order to complain of the deprivation."

Justices Black and Douglas concurred, but recorded adherence to the views expressed in their dissent in the *Nugent* case. Justice Reed dissented on the ground that since no summary was requested, none had to be given. Justice Minton also dissented, arguing that even if the board had denied a fair résumé, it had not acted arbitrarily or capriciously, and that its judgment was allowable even if erroneous. "It takes more than disagreement with the Board," he wrote, "to destroy jurisdiction, the only condition upon which courts may interfere."

In the final draft classification case, *Gonzales* v. *United States*,[83] the Court ruled that the registrant was entitled to receive a copy of the recommendation made by the Department of Justice to the Appeal Board. The silence of the statute on this point was held not to be conclusive, just as a similar silence did not mean, in the *Nugent* case, that the registrant was not entitled to a fair résumé of adverse evidence in the FBI reports. Said Justice Clark: " . . . we believe it also to be implicit in the Act and Regulations—viewed against our underlying concepts of procedural regularity and basic fair play—that a copy of the recommendation of the Department be furnished the registrant at the time it is forwarded to the Appeal Board, and that he be afforded an opportunity to reply." Since the recommendation of the Department is advisory only, a considerable latitude is permitted at the hearing. But "a natural corollary" is that the registrant ought to be given a chance to rebut the recommendation when it reaches the agency having the ultimate responsibility of making a decision. Furthermore, it was noted that the Appeal Board is the first Selective Service agency to receive the Department's recommendation, and is usually the only decision-making body to pass on the entire file. An opportunity for the registrant to reply to this recommendation is the only means of making certain that the Board will have all the relevant facts brought to its attention. And if the registrant is to present his case to the Appeal Board effectively, he must be cognizant of all the facts before the Board. It was pointed out, for example, that the Department claimed that Gonzales became a Jehovah's Witness one month after registration, whereas he maintained it was one month before registration that his conversion occurred.

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[82] 348 U.S. 397 (1955).
[83] 348 U.S. 407 (1955).

The Court felt that it would not interfere unduly with the registration procedure to require that a copy of the Department's recommendation be mailed to the registrant, and that he be permitted to reply to the Board. Noting that under the existing regulations the registrant already had the right to file a statement with the Appeal Board, Justice Clark observed that the right to file a statement includes the right to file a "meaningful statement, one based on all the facts in the file and made with awareness of the recommendations and arguments to be countered." It did not suffice, the Court held, that the regulations permit rehearings, since this remedy is too little, in that the rehearing can only seek to correct "errors," and too late, in that it is difficult to reopen a case. Two Justices dissented.

Federal Judicial Power and the State Courts. Of the several cases of the 1954 Term dealing with federal review of state court decisions, the most widely-noted was *Ellis* v. *Dixon.*[84] The litigation arose from the refusal of the Yonkers Board of Education to permit the Yonkers Committee for Peace to use the schoolhouse for a forum on "peace and war." The Committee alleged denial of freedom of speech and assembly and the equal protection of the laws. The Committee conceded that a state may withhold its school facilities altogether from use by non-academic groups, and that a state may make reasonable classifications in determining the extent to which its school buildings will be made available for non-academic purposes. A New York statute permits boards of education to adopt "reasonable regulations" with regard to the use of school property "for holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community." The Committee's principal grievance was that the school board applied the statute to similar groups differently. But it failed to allege in its pleadings that other organizations of a similar character had been allowed to use the Yonkers school buildings. The allegation in the pleadings simply was that unnamed organizations had been permitted to use the buildings for the purpose of public assembly and discussion. Whether these organizations were in any way comparable to the Committee for Peace appeared nowhere in the pleadings, nor was the practice of the board described. After losing in the state courts, the Committee applied for and was granted certiorari by the Supreme Court. Following argument and reargument a bare majority of the Court agreed that the writ should be dismissed as having been granted improvidently.

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[84] 349 U.S. 458 (1955).

Justice Harlan, who delivered the opinion of the Court, declared that "what has been alleged is entirely too amorphous to permit adjudication of the constitutional issues asserted." Since the New York Court of Appeals denied leave to appeal without giving any reasons, the Court held that the most reasonable inference from this record was that its denial went on the ground of the inadequacy of the pleadings, for this was the basis of the decision of the Appellate Division. While it is established law that the Supreme Court is not finally bound by a state court's ruling as to the sufficiency of pleadings asserting a federal right, it may travel one of two roads. Some cases hold that the scope of Supreme Court review is limited to deciding whether the state court has by-passed the federal right under forms of local procedure. Other cases hold that the Supreme Court should accept jurisdiction and decide the sufficiency of the pleadings *de novo*. In this instance, Justice Harlan maintained, it would make no difference which road the Court took. There was no suggestion that the state was by-passing a federal right, and as for considering the case *de novo*, it was held to be altogether impossible to decide the constitutional issues on this "vague and empty record." If it could not decide the constitutional issues on this record, then by the same token the New York Court of Appeals was entirely justified in refusing to pass on them. Therefore its denial of the appeal must be regarded as resting on an adequate nonfederal ground. Four Justices dissented, merely noting that the allegations of the petition were sufficient, in their judgment, to state a case of discrimination under the Equal Protection Clause.

A much more complicated question dealing with the adequacy of the ground upon which the state courts disposed of a case was presented to the Court in *Williams* v. *Georgia*.[85] Williams, a Negro, was convicted in Fulton County of murdering a white man and was sentenced to death. Defended by a court-appointed lawyer, Williams took an appeal to the Supreme Court of Georgia, which affirmed the conviction. A few weeks later Williams' counsel filed in the trial court an extraordinary motion for a new trial, alleging for the first time that the accused had been denied the equal protection of the laws because of the manner of selection of the petit jury. It was alleged that jurors' names, if white, were on white tickets, and if Negro, on yellow tickets. Williams claimed that he had no knowledge at the time of the trial of the methods used to select the jury, and counsel filed an affidavit that this fact could not have been discovered by exercise of ordinary diligence. The trial court dismissed the extraor-

[85] 349 U.S. 375 (1955).

dinary motion for a new trial, and the appeal to the state Supreme Court was based almost entirely upon *Avery* v. *Georgia*.[86] In this case, which involved a Negro defendant who had been tried in the same county, the Court had ruled unanimously that the use of the white and yellow tickets was obviously designed for a discriminatory purpose and violated the Equal Protection Clause. But Avery challenged the array, and Williams did not. As for the time sequence, certiorari was granted to Avery the day before Williams' jury was selected, and the Avery appeal was decided by the United States Supreme Court over two months after Williams' trial, but a month before an amended motion for a new trial had been filed. It was the denial of this motion that led to the first unsuccessful appeal to the state supreme court. Williams' lawyer did not rely upon the *Avery* doctrine until some six months later, when he filed his extraordinary motion for a new trial.

The Georgia Supreme Court held the second time the case reached it that by failing to challenge the array Williams had waived any objections to the jury's selection. It also held that its own ruling in the *Avery* case, before the Williams trial, had fully explained the method used in selecting jurors, and that counsel therefore should have known about it. On oral argument in the United States Supreme Court, the state admitted that the use of the white and yellow tickets in this instance was, in the light of the *Avery* decision, a denial of equal protection, and that a new trial would be required but for the failure to challenge the array.

Six Justices, speaking through Justice Frankfurter, voted to remand the case to the Georgia Supreme Court. While it was conceded that a state has the power to forbid the raising of federal questions at late stages of a case, or by any other than a prescribed method, the Justice reviewed the Georgia cases and concluded that it was clear that the state allowed objections of the sort that Williams raised to be brought up at a late stage and to be determined by the state courts as a matter of discretion. It follows that the United States Supreme Court had jurisdiction to decide whether the state court action in this instance in effect denied a federal right, apparently on the theory that an abuse of discretion might amount to a violation of the Equal Protection Clause. While under Georgia practice motions for new trial after verdict—especially extraordinary motions for new trial after final judgment—are not favored, Justice Frankfurter pointed out that the Georgia statute permits them, and he found that such a motion has been granted in "exceptional" or "extraordinary" cases.

But the Court also ruled that the fact that it has jurisdiction does not compel it to exercise it. Instead of reversing, it chose to remand the case to the state's highest court, for several reasons. The principal reason was that an important factor had intervened since the affirmance by the Georgia Supreme Court, namely, the acknowledgement by the state before the United States Supreme Court that as a matter of substantive law Williams had been deprived of his constitutional right to equal protection. The contrary had been argued before the Georgia court, which may have been influenced by it. Another reason for the remand was the possibility, as intimated by the Attorney General of Georgia in his brief to the Georgia Supreme Court, that there may be another remedy. The Court also suggested that a remand was appropriate in the interests of orderly procedure. Justice Frankfurter concluded that he could not believe that the Georgia courts would allow a man to go to his death as the result of a conviction secured from a jury which the state admits was unconstitutionally impaneled.

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[86] 345 U.S. 559 (1953).

Justices Clark, Reed, and Minton dissented. Justice Clark protested that the case had been decided on independent and adequate state grounds, since the Georgia Supreme Court had clearly stated that but for the procedural objection the *Avery* rule would control. He also maintained that the Court was determining state law, and misconstruing it at that. Furthermore, he argued that there was a good reason why Georgia requires that challenges to the array be made before trial. For example, to hold this one trial bad would upset all verdicts in the county returned during the tenure of this jury. This would be expensive, time-wasting, and disruptive of the proper administration of justice.

On the remand to the Georgia Supreme Court, Justice Frankfurter's elaborate circumlocutions went for naught, since on July 15, 1955,[87] that court unanimously announced its adherence to its earlier judgment. It held that the question was wholly one of state law, that there was no federal jurisdiction either to affirm or reverse, and that under Georgia law the judges had no discretion in the matter. It asserted flatly that Williams' point must be raised before trial and not otherwise. After quoting the Tenth Amendment, Chief Justice Duckworth tartly declared: "Even though executives and legislators, not being constitutional lawyers, might often overstep the foregoing unambiguous constitutional prohibition of Federal invasion of State jurisdiction, there can never be an acceptable excuse for judicial failure to observe it strictly. This court bows to the Supreme Court on all Federal questions of law but we will not supinely surrender sovereign powers of this State." It is apparent that Justice Frankfurter and some of his colleagues underestimated Georgia's passion for procedural regularity.

The great reluctance of the Supreme Court to permit the lower federal courts to enjoin proceedings in the state courts was reflected in *Amalgamated Clothing Workers of America* v. *Richman Brothers*,[88] decided by a 5–3 vote. Here an employer engaged in interstate commerce brought suit for an injunction in an Ohio court against the union, which was picketing the employer's retail stores to induce unionization of the factory. The union's motion to the state court to dismiss on the ground that the National Labor Relations Board had exclusive jurisdiction was denied. Thereupon the union sought an injunction in the federal district court to require the employer to withdraw the suit filed in the state court. The district court held that it had no power to do so, by virtue of

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[87] *Williams* v. *State*, 88 S.E. 2d 376.

[88] 348 U.S. 511 (1955).

Section 2283 of Title 28 of the U. S. Code, which reads as follows: "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." The Supreme Court agreed that the district court lacked jurisdiction to grant the injunction prayed for, construing the exceptions in the statute strictly, and holding that the district court could not issue an injunction staying a state court proceeding even though the state court lacked jurisdiction over the subject because it invaded a field pre-empted by Congress. The Court also rejected the assumption that federal rights will not be adequately protected in the state courts. Justice Frankfurter pointed out: "With limited exceptions, it was not until 1875 that the lower federal courts were given general jurisdiction over federal questions. . . . The prohibition of §2283 is but continuing evidence of confidence in the state courts, reinforced by a desire to avoid direct conflicts between state and federal courts." Three Justices dissented on the ground that the Court's reading of the statute was literal and ignored both legislative history and a century of judicial history. Chief Justice Warren pointed out that the Board cannot act until the employer has filed a charge, which the employer has no incentive to do so long as the state court injunction is outstanding. Thus federal policy is frustrated. Justice Douglas also emphasized that since the only way out under the Court's decision is a long, drawn-out appeal through the state courts and then to the United States Supreme Court, time alone will defeat the claim at issue. This is supported by the fact that in most states a temporary injunction cannot be appealed, even if the court lacks jurisdiction to grant it, and the Supreme Court recently ruled that a temporary injunction is not a "final" judgment, and therefore is not appealable under the federal Judicial Code (Section 1257).[89]

Diversity Jurisdiction. An interesting issue touching upon the diversity jurisdiction of the federal courts was raised in *Lumbermen's Mutual Casualty Co.* v. *Elbert.*[90] Elbert, a citizen of Louisiana, was injured in an automobile accident in Louisiana because of the alleged negligence of another citizen of Louisiana who was insured by an Illinois corporation. The policy had been applied for, issued, and delivered in Louisiana. As a condition for admission to do business in Louisiana, the insurer had consented to be sued directly for damages sustained in Louisiana accidents. The direct action statute provides that at his option the injured person has a right of direct action against the insurer, and the action may be brought against the insurer alone or against both the insurer and the insured. Alleging diversity and damages in excess of $3,000, Elbert brought an action in a federal district court in Louisiana without making the insured a codefendant. Since diversity existed only between the plaintiff and the wrongdoer's insurer, and not between the plaintiff and the wrongdoer, the district court dismissed the action for lack of jurisdiction. By unanimous vote the Supreme Court agreed with the Court of Appeals in holding that the district court did have jurisdiction.

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[89] *Montgomery Bldg. Council* v. *Ledbetter Erection Co.*, 344 U.S. 178 (1952).
[90] 348 U.S. 48 (1954).

Chief Justice Warren noted that the Louisiana courts have construed the statute as creating a separate and distinct cause of action against the insurer which an injured party may elect in lieu of his action against the tortfeasor. For example, in an action against the insurer alone, the insurer does not have certain defenses which would otherwise be available. Thus the insurer is not merely a nominal defendant, but the real party in interest, with "a direct financial interest in the outcome of this litigation." It was also noted that under the Louisiana statute and practice the tortfeasor was not an indispensable party to this litigation. By suing the insurer directly, the insured abandoned his action against the wrongdoer, and the one action will dispose of the entire claim completely. During some 25 years of experience with the direct action statute, there was no case where an injured party attempted to bring suit against the tortfeasor following an unsuccessful suit against the insurer in either state or federal courts.

Admiralty Law and Marine Insurance. A question of admiralty law with possibly significant implications was decided by a divided Court in *Wilburn Boat Co.* v. *Fireman's Fund Insurance Co.*[91] The Boat Company, a resident of Texas, insured a houseboat with Fireman's against loss from fire. The Boat Company used the boat for commercial carriage of passengers on Lake Texoma, an artificial inland lake lying between Texas and Oklahoma. After the boat was destroyed by fire, the Insurance Company refused to pay for the loss, and suit was filed in a Texas court. Fireman's removed to the federal district court on the ground of diversity, and denied liability because of an alleged breach of printed policy terms, or "warranties." The policy provided that without the insurer's consent the boat must be used solely for private pleasure purposes. According to Texas law the warranty in question might have been void, for under a Texas statute a breach of warranty is not a defense to a suit for loss unless the breach contributed to bring about the destruction of the property. But the district court refused to apply state law, holding that as a matter of federal admiralty law the "literal performance" rule applies. Under this rule every policy warranty must be fulfilled literally, and any breach bars recovery, even though a loss would have happened had the warranty been carried out to the letter. Both the district court and the court of appeals held in favor of the insurer, but the Supreme Court reversed, the opinion being delivered by Justice Black.

He agreed that since the insurance policy is a maritime contract, the Admiralty Clause of the Constitution brings it within the federal jurisdiction. "But it does not follow," said Justice Black, "as the courts below seemed to think, that every term in every maritime contract can only be controlled by some federally defined admiralty rule. In the field of maritime contracts as in that of maritime torts, the National Government has left much regulatory powers in the states." And the power of the states, exercised with federal consent or acquiescence, has always been especially broad with regard to insurance. Since Congress has not taken over the regulation of marine insurance contracts, and has not dealt with the effect of marine insurance warranties at all, the only issues were: (1) Is there a judicially established federal admiralty rule governing these warranties? (2) If not, should the Supreme Court fashion a rule?

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[91] 348 U.S. 310 (1955).

After reviewing the case law on the subject, the Court answered the first question in the negative. As to the second question, Justice Black argued that the whole drift of judicial and legislative history of insurance regulation counsels against the Court's creating a rule governing marine policy terms and warranties. From the beginning, the states have controlled all types of insurance companies and contracts, and in 1895 the Court ruled that the states could regulate marine insurance, just as they could regulate other types of insurance.[92] Justice Black noted that there has been a vast amount of insurance litigation in the state courts throughout our history. Furthermore, Congress, the insurance companies, and the insured have all acted on the assumption that the states could regulate marine insurance. Justice Black also pointed out that these questions are complex and difficult, and that while Congress could establish a uniform national policy by legislation, it would be much more difficult for the courts to do so, since they can act only in a piecemeal fashion by the case-to-case method. He feared that "such a creeping approach would result in leaving marine insurance largely unregulated for years to come." It was concluded that since the insurance business has become one of the nation's greatest enterprises under the present system of diverse state regulations, and Congress has been exceedingly cautious to disturb it, the Court should also leave the matter where it has always been, with the states.

Justice Frankfurter wrote a concurring opinion to argue that no uniform rule was necessary in this particular situation, because the transaction was essentially localized, and had little to do with shipping in its national and international aspects. But since most maritime law has come from this Court, and not from Congress, he felt that the majority went too far. There may be situations involving national, coastal, intercoastal, or river commerce which require uniform law, to avoid the vagaries of state law and to keep harmony with other great maritime powers. Two Justices dissented, arguing that the "literal performance" rule was part of both federal and English admiralty law, and that the states do not have and should not be conceded to have the power to change the general substantive admiralty law, especially where uniformity is necessary or desirable.

Avoidance of Constitutional Issues. The very considerable talent of the Court for avoiding decisions on constitutional issues was displayed in *Association of Westinghouse Salaried Employees* v. *Westinghouse Electric Corporation.*[93] The plaintiff in this case was an unincorporated union that served as the collective bargaining representative of about 5,000 salaried employees of Westinghouse, a Pennsylvania corporation engaged in interstate commerce. The union filed this suit in a federal district court to enforce collective bargaining agreements then in effect between it and the Company. The suit was for pay allegedly due the workers for one day's work, and it was filed under Section 301 of the Labor-Management Relations Act of 1947, the pertinent language of which is as follows: "(a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this Act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties. (b) . . . Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. . . ." The court of appeals held that each employee had an individual contract with the company, but that the collective contract itself was not a contract of hire. It therefore vacated, with directions to dismiss the complaint for lack of jurisdiction, the district court's judgment, which had dismissed the complaint on the merits. While six Justices voted to affirm, there was no agreement on a supporting rationale, and therefore no opinion of the court. Justice Frankfurter, who was joined by Justices Burton and Minton, wrote the lead opinion, an involved opinion singularly lacking in clarity. He pointed out that Congress has not defined the law which would determine the rights of the parties, and has not authorized the federal courts to fashion the rules. This gives rise to a serious constitutional issue, since it would follow that Congress merely provided a federal forum for state law. Justice Frankfurter concluded that despite the broad language of Section 301, Congress did not intend to confer jurisdiction over this type of suit. Legislative history shows that Section 301 was merely a procedural provision, requiring the federal courts to treat an unincorporated labor union as if it were a natural or corporate legal person, and he argued that the grant of federal question jurisdiction under Article 3, Section 2, of the Constitution must involve some aspect of federal law essential to the plaintiff's success. "We must, of course," he declared, "defer to the strong presumption—even as to such technical matters as federal jurisdiction—that Congress legislated in accordance with the Constitution." But Congress did not intend, in his view, to authorize the federal courts to work out a federal code governing collective bargaining contracts, for that would lead to several unpleasant consequences. It would invite conflict with state court interpretations of collective bargaining agreements. It would displace state law by federal law in the state courts. It would exclude state court jurisdiction. In short, "to turn §301 into an agency for working out a viable theory of the nature of a collective bargaining agreement smacks of unreality." It follows that "serious constitutional problems may be avoided, and indeed must be, through the orthodox process of limiting the scope of doubtful legislation."

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[92] *Hooper* v. *California*, 155 U.S. 648 (1895).

[93] 348 U.S. 437 (1955). For an able discussion of the complexities involved in this litigation see: Donald H. Wollett and Harry H. Wellington, "Federalism and Breach of the Labor Agreement," *Stanford Law Review*, Vol. 7, pp. 445–79 (July, 1955).

Chief Justice Warren, who was joined by Justice Clark, argued that the language of Section 301 is not sufficiently explicit nor its legislative history sufficiently clear to indicate that Congress intended to authorize a union to enforce in a federal court the uniquely personal right of an employee for whom it had bargained to receive compensation for services rendered his employer. Thus in his view it was unnecessary to make labor policy or raise constitutional issues. In a third concurring opinion, Justice Reed maintained that the fact that a great deal of state law may be applied in Section 301 suits should not affect the validity of the statute. If state law is applied, it operates by permission of Congress, being incorporated by reference. In his judgment, it was immaterial whether the rules of substantive law applied by the federal courts are derived from federal or state sources. Justice Reed concurred because he thought that the claim for wages for the employees arises from separate hiring contracts between the employer and the employee, since the union does not undertake to do work for the employer, or even to furnish workers. Justices Douglas and Black dissented.

Sovereign Immunity from Suit. An interesting problem touching upon the position of a foreign sovereign in a federal court was resolved by a 4–3 vote of the Justices in *National City Bank* v. *Republic of China.*[94] In 1948, an official agency of the Republic of China established a $200,000 deposit account with the Bank. When, at a later date, the Republic sought to withdraw the funds, the Bank refused to pay, and the Republic brought suit in a federal district court. The Bank set up a counterclaim as a defense, seeking judgment for two defaulted Treasury Notes of the Republic which the Bank owned. The counterclaim was much larger than the amount sued for by China, but it should be added that the Bank did not seek affirmative relief. Both lower courts held that to entertain the counterclaim would be an invasion of the Republic's sovereign immunity. A majority of the Supreme Court, speaking through Justice Frankfurter, disagreed, holding the counterclaim proper.

Although Justice Frankfurter agreed that the status of the Republic of China in our courts is for the Executive and not the courts to decide, and that China and its agencies enjoy the customary immunities, he emphasized that while adjudications of this Court have also established that a foreign sovereign is free from suit in court, this is not, unlike the state's Eleventh Amendment immunity, based on any explicit command of the Constitution. He went on to point out that even the immunity of the United States is a legal doctrine not favored by the test of time, noting that as early as 1797 Congress passed an act which provided that when the United States sues an individual, he can set off all debts properly due him from the sovereign. The suability of the United States was, of course, greatly expanded with the Court of Claims Act of 1855 and the Tort Liability Act of 1946. These developments are based on new views strongly held. "The claims of dominant opinion rooted in sentiments of justice and public morality are among the most powerful shaping-forces in lawmaking by courts." In addition, Justice Frankfurter noted that the State Department has adopted a restrictive policy toward the claim of immunity.

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[94] 348 U.S. 356 (1955).

Its failure or refusal to suggest immunity has been given "significant weight" by the Court. Furthermore, in 1952 the State Department pronounced broadly against recognizing sovereign immunity for the commercial operations of a foreign government. Justice Frankfurter emphasized that in this case there was no attempt to bring a foreign government into one of our courts as a defendant. "We have a foreign government invoking our law but resisting a claim against it which fairly would curtail its recovery. It wants our law, like any other litigant, but it wants our law free from the claims of justice." Finally, it was noted that the State Department has not asked for allowance of counterclaims nor intimated in any way that their allowance in such a situation would embarrass friendly relations with China.

Speaking for the three dissenters, Justice Reed maintained that the Bank's counterclaim was entirely disconnected from the original action, and was like a suit against the foreign sovereign. He declared that immunity from suit does not mean irresponsibility, since liability may be satisfied in other ways, and that the sovereign's freedom from judicial control does not depend upon the will of the courts, but rather upon the will of the sovereign of the territory and upon international comity. He thought that the attitude of the State Department as to the desirability of relaxing the strict rule of immunity for acts of commerce was inapplicable here, because the Treasury Notes were sovereign obligations "of the highest public character."

II. QUESTIONS OF STATE POWER

1. DUE PROCESS OF LAW[95]

Regulation of Professions. An Oklahoma statute regulating ophthalmologists, optometrists, and opticians, parts of which had been held unconstitutional by a three-judge federal district court, was sustained in its entirety by a unanimous vote in *Williamson* v. *Lee Optical of Oklahoma.*[96] One section of the act makes it unlawful for any person not a licensed optometrist or ophthalmologist to fit lenses to a face or to duplicate or replace into frames lenses or other optical appliances, except upon written prescriptive authority of an Oklahoma licensed ophthalmologist or optometrist. This provision the district court held invalid because it could not see how the requirement of a prescription merely to take old lenses and place them in new frames, or to replace broken lenses, had any reasonable relationship to health and welfare. The Supreme Court disagreed, holding that this due process issue was controlled by *Roschen* v. *Ward*,[97] in which Justice Holmes upheld a New York law making it unlawful to sell eyeglasses at retail in any store, unless a duly licensed physician or optometrist was in charge and in personal attendance. While the Oklahoma law may in many cases "exact a needless, wasteful requirement," Justice Douglas declared that it is for the legislature and not the courts to balance the advantages and disadvantages of the new provision. Since there are some cases where the directions in a prescription are essential, the legislature might have decided that there are enough such occasions to justify this regulation. Furthermore, it may or may not be necessary to have a prescription for the purpose of duplicating lenses; this, too, is for the legislature to decide. The legislature may also have thought that eye examinations are so critical that one should accompany every change in frames or duplication of a lens. Justice Douglas noted, however, that the law does not require a new examination every time frames are changed or lenses are duplicated, if the old prescription is on file with the optician. In any event, a state law need not be in every respect logically consistent with its aims to be constitutional. "The day is gone," said Justice Douglas, "when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought." As was said in *Munn v. Illinois*,[98] for protection against abuses by legislatures, the people must resort to the polls, not the courts.

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[95] On the due process clause see: Howard J. Graham, "Our 'Declaratory' Fourteenth Amendment," *Stanford Law Review*, Vol. 7, pp. 3–39 (Dec., 1954); "An Innocent Abroad: The Constitutional Corporate 'Person'," *U.C.L.A. Law Review*, Vol. 2, pp. 155–211 (Feb., 1955); Robert M. Holmes, "The Fourteenth Amendment and the Bill of Rights—An Historical Interpretation," *South Carolina Law Quarterly*, Vol. 7, pp. 596–619 (Summer, 1955); Albert R. Beisel, Jr., "Control over Illegal Enforcement of the Criminal Law: Role of the Supreme Court," *Boston University Law Review*, Vol. 34, pp. 413–48 (Nov., 1954), Vol. 35, pp. 1–76 (Jan., 1955); Rex A. Collings, Jr., "Unconstitutional Uncertainty—An Appraisal," *Cornell Law Quarterly*, Vol. 40, pp. 195–237 (Winter, 1955); Note, "The Right of State Appeal in Criminal Cases," *Rutgers Law Review*, Vol. 9, pp. 545–54 (Spring, 1955).

[96] 348 U.S. 483 (1955).

Another section of the statute provides that while opticians are subject to this regulatory system, all sellers of ready-to-wear glasses are exempt. The district court decided that this violated the Equal Protection Clause. The Supreme Court held, however, that the legislature has very wide powers of classification, that a reform may take one step at a time, that the legislature may deal with whatever phase of a field of activity is regards as most acute, and neglect the others, and that all the Equal Protection Clause forbids is "the invidious discrimination," a point not reached here.

Another section, making it unlawful "to solicit the sale of . . . frames, mountings . . . or any other optical appliances" was held unconstitutional by the district court as going too far in regulating the advertising of frames, in which it could see no harm. But the Supreme Court ruled that an eyeglass frame is not merely a piece of merchandise; it is used with lenses, and lenses enter the field of health. The legislature might well have concluded that to regulate one effectively it would have to regulate the other, or the legislature might think that sellers of frames and lenses are in a business where advertising should be limited or even abolished in the public interest. Finally, the Court held valid a section providing that "no person, firm, or corporation engaged in the business of retailing merchandise to the general public shall rent space, sublease departments, or otherwise permit any person purporting to do eye examination or visual care to occupy space in such retail store." This regulation was likened to the statute, previously sustained, which denied corporations the right to practice dentistry.[99] Since the Oklahoma Act attempts, as far as possible, to free a profession from all taints of commercialism, it might be deemed important that the eye doctor be limited to geographical locations which reduce the temptations of commercialism.

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[97] 279 U.S. 337 (1929).

[98] 94 U.S. 113 (1876).

Fair Procedure: The Right to an Unbiased Judge. Under Michigan law any judge of a court of record may serve as a one-man grand jury, and compel witnesses to appear in secret and testify about suspected crimes. In the case of *In re Oliver*,[100] the Court held that the judge-grand jury may not summarily convict a witness of contempt for conduct in the secret hearing, that due process requires a public trial after reasonable notice, with the right to call witnesses, cross-examine adverse witnesses, and be represented by counsel. In *In re Murchison*[101], the Court decided, by a 6–3 vote, that due process has been violated if the judge who was the one-man grand jury presides at the contempt hearing. Said Justice Black: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome." This case, he held, came within the rule of the famous *Tumey* decision,[102] that the measure of bias is possible temptation to the average man as judge. Since the single judge-grand jury was part of the accusatory process, he cannot "in the very nature of things," be wholly disinterested in the results. Furthermore, as a practical matter, Justice Black insisted, it is difficult if not impossible for a judge to free himself from the influence of what happened in the secret session. His recollection is likely to weigh more heavily than the testimony given in open court. For example, the judge's remarks about a defendant's insolent attitude are not subject to refutation by witnesses. In addition, the judge himself might have to be a witness, and in that event he would either testify in a case he would have to decide, or deprive the accused of the right to cross-examine, which is essential to a fair trial.

Three Justices dissented on the ground that it had not been proved that the judge was actually biased in any way. They also called attention to the rule of the *Sacher* case, [103] under which a federal district judge can summarily punish a contempt previously committed in his presence. The only difference was that in *Sacher* the contempt was committed in open court at a public trial. When the contempt is not committed in open court, a full trial is required on the contempt, which the defendants had, and which was all they are entitled to. Thus the dissenters maintained that the Court was imposing a more stringent requirement on state judges than has been imposed upon the federal judges. The *Tumey* case was distinguished on the ground that it involved the judge's compensation.

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[99] See *Semler* v. *Oregon State Dental Examiners*, 294 U.S. 608, 611 (1935).

[100] 333 U.S. 257 (1948).

[101] 349 U.S. 133 (1955).

[102] *Tumey* v. *Ohio*, 273 U.S. 510 (1927).

[103] *Sacher* v. *United States*, 343 U.S. 1 (1952).

Coerced Testimony. Regan refused to testify before a New York grand jury which was investigating the relation between the police and criminal elements, and was convicted of criminal contempt. The New York Constitution provides that no person shall "be compelled in any criminal case to be a witness against himself." At the time this case arose, Section 381 of the New York Penal Law provided that testimony regarding bribery cannot be withheld on the ground of self-incrimination, but conferred immunity from any prosecution for any criminal activity revealed in such testimony. According to Section 903 of the Charter of the City of New York, any city employee who refuses to sign a waiver of his immunity against later prosecution upon any matter of an official nature about which he is asked to testify must be discharged from his job and disqualified from future employment with the city. The state constitution has a similar provision, except that the disqualification is limited to five years. When first called to testify before the grand jury on March 7, 1951, Regan was a member of the police department of New York. Before being sworn, he signed a waiver of immunity against prosecution, and after being sworn he testified that the waiver had been executed voluntarily and with full understanding of its meaning. He was given a financial questionnaire to fill out, but on March 27, 1951, he resigned from the force. He was called, on October 22, 1952, and again failed to fill out the questionnaire. On December 21, 1952, he was called once more and asked whether he had accepted bribes while a policeman. When he refused to answer on the ground of self-incrimination, he was convicted of criminal contempt after a jury trial. On appeal he claimed that he did not understand the waiver when he signed it, and that the Fourteenth Amendment prevents a state from jailing a person for refusing to give self-incriminatory testimony.

Six Justices voted to affirm Regan's conviction.[104] Speaking for the Court, Justice Reed held that the immunity statute was crucial, since it removed any possible justification for not testifying. In his view it was immaterial whether the waiver was valid or not, voluntary or coerced, since in either case the obligation to testify remained unimpaired. For if the waiver was valid, Regan had voluntarily waived the immunity, and if invalid, then immunity from prosecution still exists. Stressing that this was a conviction for refusing to testify, Justice Reed pointed out that while the invalidity of the waiver may be made a defense to a later prosecution, it is no defense to a refusal to testify. The Chief Justice wrote a brief concurring opinion to emphasize that substantial federal questions may arise if Regan is again called upon to testify concerning bribery on the police force while he was an officer, and is then denied immunity as to any offenses related to the investigation. At that point he might contend that the waiver was coerced, or improper because of its use so many months after his public employment ended.

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[104] *Regan* v. *New York,* 349 U.S. 58 (1955).

Justice Black, with whom Justice Douglas agreed, wrote a dissenting opinion, insisting, as he has so often in the past, that the Fourteenth Amendment applied the Fifth Amendment to the states. But even if it does not, he argued that this case falls within the rule so often applied by the Court that due process does not permit a state to convict a person on testimony it coerced from him. And he declared that "it is certainly coercion to throw a man into jail unless he agrees to testify against himself."

Appeal Procedure. An interesting procedural point was at issue in *National Union of Marine Cooks and Stewards* v. *Arnold.*[105] This litigation was the result of a "blacklisting" letter written by a Union agent to persons able to affect the employment of some 95 men who were stewards in the Alaska trade. The Washington state court in which the suit was brought held the letter libelous *per se,* and awarded judgment for $475,000. The next day, the Union filed a notice of appeal, but offered no supersedeas bond, and obtained no stay of proceedings. Later the trial court discovered in supplementary proceedings that the Union owned no substantial assets in Washington, but had United States bonds worth $298,000 in California. The court ordered the Union to deliver these bonds to it for safekeeping pending the disposition of the appeal. Two months later, on failure of the Union to deliver the bonds, the court held it in contempt, ruling that its conduct frustrated the enforcement of the judgment. The following month the state supreme court struck from its calendar the Union's appeal on the merits, pending its review of the adjudication of contempt, unless the Union sooner purged itself of the contempt. The following week this court affirmed the adjudication of contempt, and dismissed the main appeal unless, within fifteen days, the Union purged itself of the contempt by delivering the bonds.

The Supreme Court approved of this procedure by a 6–2 vote, holding that dismissal of an appeal for a money judgment does not violate due process where it constitutes a reasonable means of safeguarding the collectibility of that judgment. The earlier case of *Hovey* v. *Elliott*[106] was distinguished, for in that case the trial court did not even permit the defendant to make an answer because he refused to deliver certain funds which were the subject of the litigation to a court-appointed receiver. This was held by the Supreme Court to be a denial to the defendant of his constitutional right to a day in court. But the Union had its day in court. The dismissal cut off only a statutory right of review, after a full trial by judge and jury. It is established, said Justice Burton, that "while a statutory review is important and must be exercised without discrimination, such a review is not a requirement of due process." He went on to say: "Where the effectiveness of a money judgment is jeopardized by the judgment debtor, he has no constitutional right to an appeal extending that frustration." Justices

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[105] 348 U.S. 37 (1954).

[106] 167 U.S. 409 (1897).

Black and Douglas dissented on the theory that the right to defend is basic to justice, and that the appeal is but a continuation of the Union's defense.

Right to Counsel. Ever since *Betts* v. *Brady*,[107] the Court has taken the position that in noncapital cases a state has not violated due process by refusing to appoint counsel to represent the accused at the trial unless it could be shown that the absence of counsel resulted in injustice. But by a unanimous vote the Court made it clear, in *Chandler* v. *Fretag*,[108] that while the right to appointed counsel is qualified, the defendant's right to be heard through a lawyer of his own choice is unqualified. That is to say, a defendant's right to get a lawyer of his own does not depend upon the existence of a situation where he would have been entitled to appointed counsel. Thus, where a defendant appears for trial without a lawyer, and asks the court for a continuance in order to get one, the judge violates due process by denying the request. The Court also held in this case that waiver of the right to counsel on a felony charge does not also constitute a waiver on an habitual criminal charge, which was held to be an essentially independent proceeding under state law.

A situation calling for application of the rule of *Betts* v. *Brady* was before the Court in *Massey* v. *Moore*.[109] Massey was serving a life sentence in a Texas prison following conviction for a third felony. He filed a petition for a writ of habeas corpus in the federal district court on the ground that he was of unsound mind and had been unassisted by counsel at the trial. He alleged that he had been in the state psychopathic hospital for several months before the trial, and had been removed from a straitjacket only four days before trial. He had entered a plea of not guilty, but apparently made no attempt to conduct any defense. The Texas courts had denied relief because under state law the question of whether he was insane and thus unable to conduct his own defense could be raised only on appeal, and not collaterally. The federal district court denied the petition without a hearing, and the court of appeals affirmed on the following grounds: (1) an issue is now raised which could and should have been raised at the trial; (2) the insanity issue had been decided against the petitioner by the district court in a previous proceeding in 1948; (3) the allegations presented no substantial federal question.

The Supreme Court Justices were unanimous in holding that on the allegations Massey was entitled to a hearing on his petition for the writ.[110] As regards the 1948 decision, it was noted that the district court had made its ruling on the erroneous assumption that the accused had had a lawyer; not until 1952 was the record corrected to show that he did not have one. Thus the earlier finding that he was competent to stand trial with counsel does not necessarily support the conclusion that he was competent to stand trial without counsel. Since the allegation of mental incapacity at the time of the trial must, on the present pleadings, be taken as true, it follows, said Justice Douglas, that he was effectively foreclosed from defending himself. "We cannot hold an insane man tried without counsel to the requirement of tendering the issue of his insanity at the trial. If he is insane, his need of a lawyer to tender the defense is too plain for argument." The Fourteenth Amendment requires a fair trial, and "no trial can be fair that leaves the defense to a man who is insane, unaided by counsel, and who by reason of his mental condition stands helpless and alone before the court. Even the sane layman may have difficulty discovering in a particular case the defenses which the law allows." It follows that the failure of an insane man to raise the question of his insanity on appeal merely underscores his need for counsel, and does not result in the waiver or loss of his constitutional right.

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[107] 316 U.S. 455 (1942).

[108] 348 U.S. 3 (1954). Consult: William M. Beany, *The Right to Counsel in American Courts* (Ann Arbor, 1955), and see the review by Richard C. Donnelly in *Yale Law Journal*, Vol. 64, pp. 1089–95 (June, 1955); David Fellman, "The Right to Counsel under State Law," *Wisconsin Law Review*, Vol. 1955, pp. 281–328 (March, 1955). It is of interest that once again the Judicial Conference of the United States has approved proposed legislation which would provide for the appointment of public defenders by federal district courts which wanted them, or in the alternative would allow compensation to counsel appointed to represent indigent defendants. *Report of the Proceedings of a Special Session of the Judicial Conference of the United States*, March 24, 25, 1955, Washington D.C., p. 21.

[109] 348 U.S. 105 (1954).

[110] See Note, "Federal Habeas Corpus for State Prisoners," *Columbia Law Review*, Vol. 55, pp. 196–209 (Feb., 1955).

2. EQUAL PROTECTION OF THE LAWS

School Segregation. When the Court ruled, on May 17, 1954, that the "separate but equal" doctrine did not square with the command of the Equal Protection Clause of the Fourteenth Amendment, it postponed to a later date the fashioning of a decree.[111] Oral argument on the decree was originally scheduled for December 6, 1954, but it was postponed until April 11, 1955, probably because of the Senate's long delay in confirming the nomination of Justice Harlan. The issues were discussed with unusual amplitude, the Court allowing 14 hours of argument. The Attorney General of the United States and the Attorneys General of all states requiring or permitting racial discrimination in public education were invited to present their views. Briefs were filed by the parties, by the United States, and by Florida, North Carolina, Arkansas, Oklahoma, Maryland, and Texas, and they all participated in the oral argument.

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[111] *Brown* v. *Board of Education*, 347 U.S. 483 (1954). See this REVIEW, Vol. 49, pp. 96–99 (March, 1955). There was much discussion of the problem of school segregation during the Term. See: C. Vann Woodward, *The Strange Career of Jim Crow* (New York, 1955); Robin M. Williams, Jr., and Margaret W. Ryan, *Schools in Transition* (Chapel Hill, 1954); Truman Pierce and others, *White and Negro Schools in the South* (Englewood Cliffs, N.J., 1955); James C. N. Paul, *The School Segregation Decision* (Chapel Hill: Institute of Government, University of North Carolina, 1954); Herbert Hill and Jack Greenberg, *Citizen's Guide to De-Segregation* (Boston, 1955); Lillian Smith, *Now Is the Time* (New York, 1955); Symposium, "Segregation in the Public Schools," *Journal of Public Law*, Vol. 3, pp. 5–170 (Spring, 1954); Arthur E. Sutherland, "Segregation by Race in Public Schools: Retrospect and Prospect," *Law and Contemporary Problems*, Vol. 20, pp. 169–83 (Winter, 1955); George J. Bertain, Jr., "Racial Segregation in the Public Schools," *Catholic University of America Law Review*, Vol. 5, pp. 141–56 (May, 1955); James Rorty, "Desegregation along the Mason-Dixon Line," *Commentary*, Vol. 18, pp. 493–503 (Dec., 1954). For a brilliant discussion of the school segregation cases see Edmond Cahn, "1954 Annual Survey of American Law: Jurisprudence," *New York University Law Review*, Vol. 30, pp. 150–69 (Jan., 1955).

Speaking again for a unanimous Court, Chief Justice Warren made it clear that the 1954 decision established the fundamental principle "that racial discrimination in public education is unconstitutional."[112] Therefore, he added, "all provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle." Nevertheless, he explained that reargument had been requested on the question of relief because the cases arose under different local conditions, and their disposition will involve a variety of local problems. Indeed, said the Chief Justice, the arguments presented to the Court showed the complexities involved in making the transition, and also indicated that substantial steps have already been taken to eliminate racial discrimination.

The decree remanded the cases to the courts which originally heard them "because of their proximity to local conditions and the possible need for further hearings. . . ." In fashioning and enforcing their decrees, these courts were directed to be guided by "equitable principles." The Chief Justice explained: "Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

Giving weight to these public and private considerations, the trial courts were enjoined to require the defendants to make "a prompt and reasonable start toward full compliance" with the ruling. Having started, they may find that additional time is needed, but the burden of proof will be on the defendants to demonstrate that such time is necessary in the public interest, and "consistent with good faith compliance at the earliest practicable date." To this end, these courts may consider problems of administration, the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas, and the revision of local laws and regulations. Thus four of the five judgments appealed from were reversed and remanded, and while the Delaware decision was affirmed, it was remanded to the state supreme court for such further proceedings as it may deem necessary in the light of this opinion.

The Court's refusal to issue a forthright decree ordering compliance with the Constitution within a specified period of time is, of course, an open invitation to prolong the controversy. The great drama of implementing the Supreme Court's decree has now begun.[113] Those who wish to keep abreast of the subject are advised to consult a new monthly publication, the *Southern School News*, prepared by the Southern Education Reporting Service, an organization of Southern newspaper editors and educators, with the assistance of a grant from the Fund for the Advancement of Education.[114] The developments are far too numerous and complex for adequate discussion here. A good example is the *Hawkins* case, in which a Negro sought admission to the College of Law of the University of Florida, and which the Supreme Court remanded to the highest court in Florida in 1954 for reconsideration in the light of the new position created by the *Segregation Cases*.[115] The Florida Supreme Court had ruled against Hawkins in 1952 for the reason that he could get a legal education at the Law School of the Florida A. & M. University for Negroes, the facilities of which, while not identical, were found to be substantially equal.[116] On the remand, the Florida court emphasized that the 1955 decree does not require the state to admit Hawkins immediately, or at any particular time in the future, took note of current serious problems in relation to desegregation, and, accordingly, refused to issue the peremptory writ of mandamus prayed for.[117] Instead, the court appointed a circuit judge to serve as a commissioner of the court, to take testimony on the problems involved in desegregation. The commissioner was directed to file the transcript of the testimony, without recommendations or findings of fact, within four months. Two judges dissented. Judge Terrell filed a fascinating concurring opinion in which he argued that segregation has always been "the unvarying law of the animal kingdom." Thus he noted that "the dove and the quail, the turkey and the turkey buzzard, the chicken and the guinea, it matters not where they are found, are segregated; place the horse, the cow, the sheep, the goat and the pig in the same pasture and they instinctively segregate." Fish and birds have the same instinct. In fact, said the learned judge, "when God created man, he allotted each race to his own continent according to color, Europe to the white man, Asia to the yellow man, Africa to the black man and America to the red man. . . ." Accordingly, he took a very conservative view of what should be done, in the light of Chief Justice Warren's statement that the courts are to be governed by "equitable principles . . . characterized by a practicable flexibility."

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[112] *Brown* v. *Board of Education of Topeka,* 349 U.S. 294 (1955).

Segregation in Cemeteries. There being no observable limits to the range of man's fears, follies, and prejudices, the problem of segregation continues beyond our terrestrial existence to the cemetery. A case involving this ghoulish issue finally reached the Court from Sioux City, Iowa, where a woman entered into a contract for the purchase of a burial lot in which to deposit the earthly remains of her husband, who had been killed in unsegregated action while in the United States army in Korea. After services had been conducted at the grave site, the cemetery company refused to bury the husband when it was discovered that he was an Indian (Winnebago), a fact not previously known to it. The contract of sale included a clause expressly forbidding the burial of non-Caucasians in the cemetery. Thereupon the widow brought suit for damages to compensate for mental suffering. The Iowa Supreme Court held[118] that allowing the defendant to rely upon this restrictive covenant did not constitute an exertion of governmental power to aid discrimination *directly*, and was therefore outside the ruling of the *Shelley* case[119] and a dictum in the *Civil Rights Cases*.[120] The Supreme Court affirmed the Iowa decision by a 4–4 vote, in 1954,[121] but later granted a petition for a rehearing, following which it dismissed the writ of certiorari, by a 5–3 vote, as having been granted improvidently.[122]

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[113] See Note, "Supreme Court Equity Jurisdiction: The Decrees in the Segregation Cases," *Yale Law Journal*, Vol. 64, pp. 124–36 (Nov., 1954); Note, "Implementation of the Segregation Decisions," *Northwestern University Law Review*, Vol. 49, pp. 557–66 (Sept.–Oct., 1954); F. B. Nicholson, "Legal Standing of the South's School Resistance Proposals," *South Carolina Law Quarterly*, Vol. 7, pp. 1–64 (Fall, 1954); William F. Winter, "Mississippi's Legislative Approach to the School Segregation Problem," *Mississippi Law Review*, Vol. 26, pp. 165–72 (March, 1955).

[114] Vol. 1. No. 1, appeared September 3, 1954. The subscription rate is $2 for a year, $3.75 for two years. The address is P.O. Box 6156, Acklen Station, Nashville 5, Tennessee.

[115] *Florida ex rel. Hawkins* v. *Board of Control of Florida*, 347 U.S. 971 (1954).

[116] *State ex rel. Hawkins* v. *Board of Control*, 60 So. 2d 162 (Fla. 1952).

[117] *State ex rel. Hawkins* v. *Board of Control*, 83 So. 2d 20 (Fla., Oct. 19, 1955).

At the rehearing, attention was focussed upon an Iowa statute, enacted since the initiation of this litigation, which makes it impossible for this question ever to arise again. The Court's expert on certiorari, Justice Frankfurter, pointed out that under Rule 19 the writ is granted where there are "special and important reasons." A case may raise a question which presents intellectual or abstractly interesting problems, "but this Court does not sit to satisfy a scholarly interest in such issues. Nor does it sit for the benefit of the particular litigants." The problem of a case must be "beyond the academic or the episodic" before the Court will take it. Especially where constitutional issues are involved, said Justice Frankfurter, is it the duty of the Court to avoid decision "unless avoidance becomes evasion." Since Iowa now has a statute forbidding discrimination by cemeteries on the grounds of race or color, the present case assumes "an isolated significance." If there has been error, he asserted, Iowa has corrected it. Dismissal of certiorari, he insisted, even after full argument, was not at all unique, there having already been over 60 such cases, "an impressive practice."

Justice Black, who was joined by Chief Justice Warren and Justice Douglas, was not impressed. Noting that serious Fourteenth Amendment questions were raised and remain unanswered, he wrote: "The Court dismisses the case because the Iowa Legislature has provided that every person in Iowa except one who has already filed a suit can prosecute claims like this. Apparently this law leaves everyone in Iowa free to vindicate this kind of right except the petitioner. This raises a new question of denial of equal protection of the laws equally as grave as those which prompted us to take this case originally. We cannot agree that this dismissal is justified merely because this petitioner is the only one whose rights may have been unconstitutionally denied."[123]

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[118] *Rice* v. *Sioux City Memorial Park Cemetery*, 245 Iowa 147, 60 N.W. 2d 110 (1953).

[119] *Shelley* v. *Kraemer*, 334 U.S. 1 (1948). See Clement E. Vose, "N.A.A.C.P. Strategy in the Covenant Cases," *Western Reserve Law Review*, Vol. 6, pp. 101–45 (Winter, 1945).

[120] 109 U.S. 3, 17 (1883).

[121] *Rice* v. *Sioux City Memorial Park Cemetery*, 348 U.S. 880 (1954).

[122] 349 U.S. 70 (1955).

3. STATE POWER AND THE COMMERCE CLAUSE

Hayes Freight Lines, Inc., is an interstate motor carrier transporting goods to and from many points in Illinois and seven other states under a certificate issued by the ICC under the Federal Motor Carrier Act. The company also carries on an intrastate carrier business in Illinois under a certificate issued by state authorities. An Illinois statute limits the weight of freight that can be carried in commercial trucks on the state's highways, and also provides that freight loads must be in balanced distribution with regard to truck axles. Repeated violation of these provisions is punishable by total suspension of the carrier's right to use Illinois roads for periods of time ranging from 90 days to one year. In an action brought to restrain Illinois officials from prosecuting the company as a repeated violator, the state's highest court ruled that the statutory suspension could not be imposed on the company's interstate operations without violating the Federal Motor Carrier Act. The Supreme Court affirmed unanimously.[124] Justice Black pointed out that the federal Act is a comprehensive plan for regulating the carriage of goods by motor truck in interstate commerce, so all-embracing that former state power over interstate commerce was greatly reduced. He added that "no power at all was left in states to determine what carriers could or could not operate in interstate commerce." The federal statute authorizes certificates and declares that they shall remain in effect until suspended or terminated as therein provided. It was noted that Congress narrowly limited the power of the ICC to suspend or revoke the certificate, requiring a hearing and a finding of wilful negligence. Justice Black held that the state's suspension of this carrier's right to use the highways of Illinois was the equivalent of a partial suspension of its federally-granted certificate. It was also noted that the states are free to use more conventional forms of punishment, and that the ICC can protect the state's interest on its own initiative or on complaint of the state by enforcing its own regulation which requires motor carriers to observe valid state highway regulations.

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[123] The gentle reader will be delighted to know that we now have it on the authority of a California judge that God does not permit segregation in the hereafter. Dooling, J., concurring in *Long* v. *Mountain View Cemetery Association*, 130 C.A. 2d 328, 330, 278 P.2d 945, 946 (App. 1st Dist, 1955). The court held in this case that a cemetery was not a place of public accommodation within the meaning of the state equal rights law, and therefore dismissed an action for damages brought under it. The concurring judge denounced burial ground segregation as "a particularly stupid form of human arrogance and intolerance."

For writings on other equal protection issues see: Charles Abrams, *Forbidden Neighbors: A Study of Prejudice in Housing* (New York, 1955); Note, "The Operation of State Fair Employment Practices Commissions," *Harvard Law Review*, Vol. 68, pp. 685–97 (Feb., 1955); Elmer A. Carter, "Practical Considerations of Anti-Discrimination Legislation-Experience under the New York Law against Discrimination," *Cornell Law Quarterly*, Vol. 40, pp. 40–59 (Fall, 1954); Note, "Segregation in Recreation," *Nebraska Law Review*, Vol. 34, pp. 553–63 (March, 1955); Patrick J. Foley, "Class Discrimination in Selection of Jurors," *Catholic University of America Law Review*, Vol. 5, pp. 157–72 (May, 1955).

[124] *Castle* v. *Hayes Freight Lines, Inc.*, 348 U.S. 61 (1954).

4. INTERGOVERNMENTAL RELATIONS

Federal Supremacy. An interesting federal supremacy question was before the Court in *Weber* v. *Anheuser-Busch.*[125] The International Association of Machinists (IAM) insisted that there be a provision in its collective bargaining agreement with Anheuser-Busch that when the repair or replacement of machinery was necessary, this would be given only to contractors having collective agreements with IAM. Since the Carpenters Union claimed the work for its members, IAM finally went out on strike to get this clause in the 1952 contract. On the day after the strike was called, Anheuser-Busch filed a charge of an unfair labor practice under a section of the Taft-Hartley Act against IAM. On November 18, 1952, the National Labor Relations Board held that there was no "dispute" within the meaning of the invoked section. In the meantime, after it had filed the charge but before the Board acted upon it, Anheuser-Busch sought an injunction in a state court on the ground that the strike was a secondary boycott under Missouri common law, and later on the ground that IAM's conduct was an illegal conspiracy under state law. The state court granted a permanent injunction. The Missouri Supreme Court held that the Labor Board's ruling was merely a determination that there was no basis for a charge of an unfair labor practice under Taft-Hartley, and that IAM's conduct violated the state's restraint of trade statute.

By unanimous vote the Supreme Court reversed, holding that the state court's jurisdiction was pre-empted by the authority vested in the Labor Board. A state may not prohibit the exercise of rights which federal statutes protect. Thus, Justice Frankfurter pointed out that the Board's machinery for dealing with certification problems also carries implications of exclusiveness. For example, a state may not certify a union as the collective bargaining agent for employees where the federal Board, if called upon, would use its own certification procedure. The Board found that there had been no violation of the particular subsection of the Act, as alleged; whether other subsections of the Act were violated is for the Board, and not the state courts, to decide. Furthermore, "controlling and therefore superseding federal power cannot be curtailed by the State even though the ground of intervention be different than that on which federal supremacy has been exercised." Regarding the conduct in question, it was ruled, Congress sufficiently expressed its purpose to bring it within federal supervision, and thus state action is prohibited. If the labor practices complained of are within the scope of the federal statute, and are found not to be prohibited by it, then they are within the protection of the Act, and the state court must decline jurisdiction in deference to the tribunal selected by Congress to determine such issues.

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[125] 348 U.S. 468 (1955). See William W. Schwarzer, "Enforcing Federal Supremacy: Relief against Federal-State Regulatory Conflicts," *California Law Review*, Vol. 43, pp. 234–50 (May, 1955).

In another case,[126] the Court held that an action under the Jones Act does not fail because of noncompliance with a state statute governing the distribution of decedent estates which required filing of a notice of claim within eight months, because Congress decreed a three-year statute of limitations to operate uniformly throughout the nation. No state law can diminish this period.

Finally, in a group of three cases the Court upheld federal tax claims as having priority over competing local claims. In the first, a United States tax lien was held prior in right to an attachment lien obtained in an action for wrongful death, where the federal lien arose and was recorded before the date the attaching creditor obtained judgment, though after the date of the attachment lien.[127] The Court ruled that it was immaterial that under state law the attachment is designated as "an execution in advance" which is perfected at the time of the attachment. The relative priority of the United States tax lien is always a federal question to be determined finally by the federal courts, and the state's characterization of its liens, while good for all state purposes, does not necessarily bind the Supreme Court. It held that the state attachment lien is for federal tax purposes an inchoate lien because at the time the attachment was issued the fact and amount of the lien depended upon the outcome of a lawsuit for damages.

In the second case, a United States tax lien was held prior in right over a garnishment lien obtained by a creditor of the taxpayer in an action on an open account, where the tax lien arose and was filed prior to the date the garnisher obtained judgment against the taxpayer, though after the date of the garnishment lien.[128] In the third case, a United States tax lien was held prior in right over a landlord's distress lien where the tax lien was prior in time.[129] The Court ruled that the question as to when the distress lien was perfected is a matter of federal law.

Intergovernmental Taxation. It is established by Supreme Court holdings that a state may impose a tax upon the stockholder's interest in a corporation, measured by corporate asset values, without making any deduction on account of United States securities held by the corporation, on the theory that the stockholder's interest in a corporation represents a property interest separate from the corporation's ownership of its assets.[130] A variation of this situation was before the Court in *Society for Savings* v. *Bowers*.[131] Here Ohio assessed its property tax upon two mutual savings banks having no capital stock or shareholders. The banks were required to include United States bonds in the property values upon which the tax was computed. No claim was made that this was a franchise or some other kind of privilege tax. The Supreme Court of Ohio upheld the tax because, in its opinion, it was not levied upon the banks. It ruled that the depositors of a mutual savings bank have an interest similar to that of shareholders in other banks, and that therefore the tax was on the "intangible property interests" of the depositors as the owners of each bank. The banks' capital, surplus fund, and undivided profits were not themselves regarded as the subject matter of the tax, but as simply the measure of the tax against the depositors. In short, the banks were treated as tax-collecting agents rather than as taxpayers. The Supreme Court reversed in a unanimous decision announced by Justice Harlan. He observed that since a federal right was involved, the Court was not bound by the Ohio court's holding that this tax was imposed on the depositors. Reviewing the facts of the situation, he concluded that the tax was actually on the banks. No language in the statute expressly imposes this tax on the depositors. The ownership interests of the depositors in these banks are quite different from those of stockholders. Justice Harlan also pointed out that if the bank is unable to pay the tax, there is no provision entitling Ohio to collect it from the depositors. He concluded that "a tax against the depositors which is recoverable only from the bank looks like a tax against the bank."

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[126] *Cox* v. *Roth*, 348 U.S. 207 (1955).

[127] *United States* v. *Acri*, 348 U.S. 211 (1955). See Arthur S. Keyser, "Federal Tax Liens under the Federal Tax and Priority Statutes," *George Washington Law Review*, Vol. 22, pp. 583–91 (April, 1954).

[128] *United States* v. *Liverpool & London & Globe Insurance Co.*, 348 U.S. 215 (1955).

[129] *United States* v. *Scovil*, 348 U.S. 218 (1955).

[130] See *Des Moines National Bank* v. *Fairweather*, 263 U.S. 103 (1923).

[131] 349 U.S. 143 (1955). On problems of American federalism see William Anderson, *The Nation and the States, Rivals or Partners?* (Minneapolis, 1955); *Federalism, Mature and Emergent*, ed. Arthur W. Macmahon (Garden City, N.Y., 1955).

Full Faith and Credit. Several constitutional issues, including full faith and credit, were presented in *Watson* v. *Employers Liability Assurance Corp.*,[132] which involved a rather complicated set of facts. Watson sued the company, a British corporation, in a Louisiana court under a state law authorizing direct actions against insurance companies. He alleged injury from use in Louisiana of a hair-waving product manufactured by an Illinois corporation which was a subsidiary of a Delaware corporation having its headquarters in Massachusetts. The insurance policy was negotiated and issued in Massachusetts and delivered there and in Illinois. This contract contains a clause, recognized as binding and enforceable under Massachusetts and Illinois law, which prohibits direct actions against the insurance company until *after* final determination of the manufacturing company's obligation to pay personal injury damages either by judgment or agreement. Contrary to the "no action" clause in the contract, the Louisiana statute permits injured persons to sue the insurance company *before* such final determination, and even though, as here, the insurance contract is made in another state and contains a clause forbidding such direct actions. Another Louisiana statute, with which the insurance company complied, requires foreign insurance companies to consent to such direct suits in order to get a certificate to do business in the state.

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[132] 348 U.S. 66 (1954). See James D. Sumner, Jr., "Full Faith and Credit for Judicial Proceedings," *U.C.L.A. Law Review*, Vol. 2, pp. 441–99 (June, 1955); "The Full-Faith-and-Credit Clause—Its History and Purpose," *Oregon Law Review*, Vol. 34, pp. 224–49 (June, 1955).

The principal issue was whether the federal Constitution permits Louisiana to apply its own law, or whether it compels Louisiana to apply the law of Massachusetts or Illinois. The Court unanimously held the Louisiana statute constitutional. Equal Protection and Contract Clause objections were brushed aside. As for due process, Justice Black pointed out that because of the modern practice of conducting widespread business activities throughout the country, the Court has held in many cases that more states than one may seize hold of local activities which are part of multi-state activities, and may regulate to protect the interests of local people, even though other phases of the same transactions might justify regulatory legislation in other states. He noted that Louisiana's direct action statute was not "a mere intermeddling" in affairs of no concern to her. Persons killed or injured in the state are most likely to be Louisiana residents; injuries might require treatment in Louisiana homes or hospitals by Louisiana doctors; destitution may lead to public assistance. Furthermore, Louisiana courts are in most instances the most convenient forum for these cases.

Finally, Justice Black could find here no violation of the Full Faith and Credit Clause. This clause "does not automatically compel a state to subordinate its own contract laws to the laws of another state in which a contract happens to have been formally executed. Where, as here, a contract affects the people of several states, each may have interests that leave it free to enforce its own contract policies." Here there are vital interests of Louisiana in liability insurance that covers injuries to people in Louisiana. Of course, Massachusetts also has some interests in this policy, said Justice Black, but they do not outweigh the interests of Louisiana in taking care of persons injured in Louisiana. Therefore, the Full Faith and Credit Clause does not require Louisiana to subordinate its direct action policy to the contract law of Massachusetts.

The other case of the 1954 Term which presented a full faith and credit issue was *Carroll* v. *Lanza*,[133] decided by a 6–3 vote. Carroll was an employee of Hogan, a subcontractor doing work for Lanza, the prime contractor. Both Carroll and Hogan were residents of Missouri, and the former's employment contract with the latter was made in Missouri. However, Carroll was injured while working in Arkansas. Unaware that he had remedies under Arkansas law, Carroll received 34 weekly payments for the injury under the Missouri compensation act, which is applicable to injuries inside or outside the state if the employment contract is made in the state, and which also provides that every employer and employee shall be "conclusively presumed to have elected to accept" its provisions unless prior to the accident he shall have filed with the compensation commission a written notice electing to reject the compensation provision. No such notice had been filed in this instance. Arkansas' workman's compensation law provides the exclusive remedy of the employee against the employer, but not against a third party. Since under Arkansas law Lanza, the prime contractor, was a third party, Carroll sued him for common-law damages in an Arkansas court while receiving payments under the Missouri law. Lanza removed to the federal district court, where judgment was rendered for Carroll, but the court of appeals reversed on the basis of the Full Faith and Credit Clause, even though it agreed that the judgment was good as a matter of Arkansas law. The Supreme Court reversed.

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[133] 349 U.S. 408 (1955).

The case of *Magnolia Petroleum Co.* v. *Hunt*,[134] which the court of appeals thought was controlling, was distinguished on the ground that there the employee received a final award for compensation in the forum of the injury, whereas Carroll had no final award under the Missouri act. In fact, under this act payments started automatically, without any adjudication. Speaking for the Court, Justice Douglas held that *Pacific Employers Insurance Co.* v. *Industrial Accident Commission*[135] was controlling. In this case a resident of Massachusetts regularly employed in Massachusetts by a Massachusetts corporation was injured while doing temporary work in California. Although the Massachusetts act purported to give an exclusive remedy, even for injuries incurred beyond its borders, California also had a compensation act which fixed liability on employers without regard to any contract, rule, or regulation, and which California courts enforced strictly. The Supreme Court held that the exclusive nature of the Massachusetts act was "obnoxious" to the California policy.

The Court has often held, said Justice Douglas, "that the Full Faith and Credit Clause does not require a State to substitute for its own statute, applicable to persons and events within it, the statute of another State reflecting a conflicting and opposed policy." In these personal injury cases, he declared, the state where the injury occurs need not be a "vassal" to the home state, and permit only the remedy which the home state regards as the exclusive one, for "the state of the forum also has interests to serve and to protect." The interests of Arkansas in this situation were described as "large and considerable," since the state wherein the tort occurs is concerned with problems which follow an injury, such as medical care and possible dependents.

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[134] 320 U.S. 430 (1943).

[135] 306 U.S. 493 (1939).

CULTURAL PREREQUISITES TO A SUCCESSFULLY FUNCTIONING DEMOCRACY: A SYMPOSIUM

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PREFACE

The problem of sustaining and strengthening democratic institutions is of the first magnitude. The stakes are high.

"Democracy," whatever else may be included, implies free discussion and popular election of governors, with alternative choices available. Presumably the governors will include a representative element, normally in the form of a legislative or policy-adopting body.

The term "cultural prerequisites" is less easily defined. The sociologists have an approach that sheds light upon that for which we are searching. They speak of the *mores,* those modes of thought as well as behavior by which men live and institutions are sustained. The *mores* are those elements of a culture which are regarded as essential for survival of the society itself. As regards democracy, our question is basically, "What is its cultural and psychological underpinning?" What cultural attitudes or *mores* will sustain democracy? In part they must do this by assuring its success in satisfying the psychological necessities of its citizens, in part by giving it and its institutions an emotional content which will make its survival a fighting matter for those who love it. Probing still more deeply, or moving, if you will, into another dimension, what will produce and sustain these attitudes? Is there, by chance, a central matrix of which they are derivatives?

Conversely, can the necessity of these attitudes be demonstrated by proving the probability of failure if they are absent?

Only as attitudes prevail that are relevant to or buttress a successful democracy will the latter really be safe. Loyalties felt only to an age that is past lack the necessary context of passion and devotion to sustain a contemporary pattern. The present becomes a parasite on the past, unable to sustain itself through deeply felt relevance to existing demands. Conversely, though the mores be deeply felt, if the institutions they sustain are not themselves adequate for today's problems and crises, those institutions are eventually doomed.

In this symposium, we have chosen to exclude any detailed discussion of political institutions as such, in part because these have so frequently been the subject of scholars' concern. We are united in asserting the importance and relevance to democracy and its flourishing survival of such institutions as the single-member constituency, constitutional responsibility, local self-government, the two-party system, a career civil service. Yet are not these more in the nature of by-products or derivatives of the attitudes which we regard as cultural prerequisites than themselves basic? They may in turn influence or condition individuals in such a fashion as to aid in producing deeply felt attitudes—but they are not themselves the attitudes. Government does not develop in a legal vacuum, unpenetrated by unfolding forces from other segments of a culture. In turn, the governmental institutions are no will-of-the-wisps blown about without resistance by the gusts of a determinism, economic or otherwise. Governmental institutions are, of course, stimulus as well as response; positive conditioning factors as well as a product of conditioning. This dualism, this action and reaction must be borne in mind at all times, though it is not our immediate concern.

We are not over much concerned with an intellectual or rational demonstration of the advantages of democracy over alternative forms of governance. We believe such a demonstration is possible; we do not believe it is adequate in and of itself to sustain democratic institutions. Under given circumstances belief in the advantages of democracy can and has been undermined and even overthrown by a seeming demonstration to the contrary—and this demonstration has as often stemmed from the communist left as the fascist right. Even though a substantial majority of a people may give theoretical assent to the superior virtues of constitutional, democratic government, yet a passionate, dedicated, and organized minority can topple and has toppled over the enfeebled will of such a majority—and has used its consequent power to consolidate its position. Belief in democratic institutions may well be a cultural prerequisite to their survival; but such a belief must take the form of a fighting and deep conviction, which itself may well be a product of attitudes still more basic.

That there be no misunderstanding, it will not be enough for any of us to say that education is an answer. We are still left with the question: "What education?" In other words, what attitudes would we create, identify, intensify, transmit, motivate, make instruments of demonstrated satisfaction, in the educational process itself?

We shall delimit our problem by confining our attention to democracy in the large, modern, industrialized state.

We concede that democracy is more likely to survive, other things being equal, in small states. Such states are more manageable, in that the results of specific political action are more readily identifiable. Advantages and disadvantages are more clearly demonstrable. And there are other favorable circumstances which need not detain us here.

An agrarian state of small landowners is likely to present fewer difficulties. This combines the advantages of diffusion of property with economic homogeneity.

A state unthreatened by external enemies probably finds it relatively easy to develop and sustain democratic institutions, even though the latter may command a loyalty of relatively low temperature.

A state the tempo of whose social change is slow and devoid of stress and strain would seem to pose less of a problem in maintenance of its democratic institutions.

In the foregoing statements we freely concede the presence of a number of variables besetting our problem. While these variables are to a degree independent of the attitudes for which we are searching, they do affect measurably the necessity or otherwise of a strong psychological underpinning as regards democratic survival.

This brings us to the nub of our problem—the success or failure of representative government in the large industrialized states. Moreover, success must be in a day of a stepped-up tempo of social change, a tempo which makes no allowance for ease of adjustment. Then, too, success must be attained by these states in a situation in which they are so threatened by external enemies, and often by internal subversion as well, that the temptation is constantly present to sacrifice democratic values in order to further national survival. Our problem really focusses on France, West Germany, Great Britain, Italy, Japan, and the United States.

There are many points of view as to the necessary cultural prerequisites in this setting. Three are developed in the sections that follow.—E. S. G.

A

Knowledge by itself is not enough in the area of human behavior to assure conduct either right or wise. An appropriate motivation must be added to knowledge, and such motivation to prove lasting is best sustained by the kind of dynamic which religion and patriotism have at times illustrated. The field of political behavior is no exception. Motivation must be added to rationality, a motivation whereby faith and passion may reinforce or even create the attitudes which rationality would dictate.

It is my hypothesis that the Christian and Hebrew faiths constitute a powerful matrix, a common denominator of those attitudes most essential to a flourishing democracy. Moreover, it would appear that it is these faiths, and especially the Christian faith, that perhaps alone can cloak such attitudes with the character of "absolutes"—a character which is not only desirable, but perhaps even necessary to democratic survival.

In developing this hypothesis it will obviously be necessary to use terms and concepts which in many circles will in and of themselves evoke a negative response. So frequently have religious terms, symbols, and beliefs come to be associated with anti-intellectualism, that one is in danger of evoking, even when merely observing or analyzing their effect, something akin to that emotional distortion of objectivity of which those who profess these religious beliefs are themselves accused. I ask therefore no more—and no less—than that any whose predisposition is to react unfavorably to such an approach will consciously strive to retain that sense of objectivity which is the goal of all of us.

I suggest at the outset an examination of a cluster of basic attitudes or *mores* which, to the degree that they have been present, are apparently closely associated with democratic success. Each of these will be considered in turn. It will be my objective not merely to indicate the relevance of these attitudes in the matter of the survival and flourishing of democratic institutions (which for the most part would be agreed upon), but also to probe still more deeply to discover whether the hypothesis of religious belief as a common denominator, an ultimate sustainer, of these attitudes is the correct one. It will be my further contention that in a pragmatic sense it is in the strength of such faiths that the most serious dilemma facing contemporary free society may best be resolved. This is the dilemma between individualism and civic or social obligation.

Obviously the extent to which, and the degree of intensity with which, any or all of these various attitudes must be held are discussible. So also is the degree to which the faiths in question are practiced as well as held. Not all of these attitudes, all of the time must be generally accepted as *mores*; but for reasons that will appear later, I believe that they must be sufficiently widespread to be accepted as *norms* of desirable conduct, so that deviations therefrom are subject to questioning and usually social disapproval. A reasonable conformance thereto must be expected of public servants and leadership generally. Hypocrisy there will most certainly be, but the fact that persons who wish acceptance as leaders usually regard it as necessary at least to pretend to hold and practice these attitudes, would itself be evidence that they at least approach the status of *mores*. No government or society built primarily on hypocrisy can today survive widespread disillusionment arising from exposure of the gulf between its actual and its ideal—unless the latter has a substantial or prevailing core of acceptance among its citizenry on which a constructive rebound from disillusionment can build. Cynicism is the basis for decay of a society. It is at least worth mentioning at this point that a practicing Christian cannot be cynical.

In preliminary fashion, one may note how the absence of certain attitudes contributed to the collapse of the more fragile democracies. Surely lack of respect for the individual was a factor in the collapse of democratic institutions in Germany, Italy, and Japan, and in their failure to take root in Russia. Lack of integrity and dedication to the public interest cost the Kuomintang of China its existence. Lack of a strong sense of the basic unity necessary for an integrated political economy characterized Pre-Hitlerite Germany and casts serious doubt upon the viability of the democratic constitution of contemporary France—though the latter's love of freedom is more deeply rooted than Germany's. The *mores* of Japan included a sense of civic obligation but without respect for the individual; those of France involved individualism without the necessary concomitant of civic loyalty.

One must further accept the fact that there will often be a cultural lag in the governmental institutions. If and when France becomes essentially civic and socially minded, it is still highly probable that her present constitution will exaggerate or even be primarily an expression of the remnants of that egocentric individualism which has been her curse. On the other hand, both the British and the American constitutions, especially if their usages and customs are included, are reasonably well in harmony with—and may in fact be regarded as expressions of—many of the *mores* mentioned. Relatively few changes, and these of not too great importance, would appear to be required to adapt them to the imperatives of contemporary governance.

I

Let us now consider affirmatively each attitude of the series I propose as prerequisites. In doing this we may bear in mind that Montesquieu built much of his political theory upon the necessity for attitudes appropriate to the various forms of government so as to ensure their workability. "There is this difference between the nature and principle of government; its nature is that by which it is constituted, and its principle that by which it is made to act. One is its particular structure, and the other the human passions which set it in motion." Honor for monarchy; virtue (the love of laws and of country) for democracy—these were prerequisite to success. I differ with Montesquieu, not with respect to the validity of his insight as to the nature of the problem, but with respect to the adequacy of his answer in the more complex setting of the present time.

It is not accidental that I give first place to the value placed upon individual personality, or rather the view of the nature of the individual as being end and not means. The heart of freedom as a hallmark of democracy consists in a formal or informal constitutional allocation to the individual of certain areas of action which no government (or for that matter, no social institution, including business and labor organizations) may touch. Montesquieu's age called these areas "natural rights"—freedom of speech, freedom of worship, freedom from arbitrary or lawless acts. Jefferson spoke of the inalienable rights of "life, liberty, and the pursuit of happiness," and gave them a theological grounding.

The deepening insights of recent years have added to or expanded this area of rights, to give them an affirmative content. We speak of the right to work (that is, to contribute something useful to society); the right of children to educational or other opportunities; the right of each one to be treated with dignity as befits a free person—without reference to sex or creed or race or class. In other words, this view of the nature of individual personality leads straight to true equality of opportunity and treatment as well as to liberty.

I do not claim that only among those who profess and practice the Christian and Jewish faiths is such a value placed upon individual personality. I do call attention to the valiant witness of many thousands of churchmen against Hitler and his ilk, and against communism. I do point out that it is the church that is in the vanguard of contemporary responsible Southern leadership in working out a constructive program of racial integration in the schools. "Thus saith the Lord" resounds from a thousand pulpits against violations of the intrinsic dignity of man. It is an "absolute" in the creeds and doctrines of these faiths that men everywhere can find this dignity best in a society of the free—a society in which men are able to think and act spontaneously and responsibly. More and more the spiritual leaders are urging that practice conform to doctrine. As political scientists, we may at least observe the effect on attitude of regarding a man—any man—as a child of God. It provides a norm by which political and economic conduct is to be judged. There are things, if you will, which one who regards himself as a child of God just does not do to another child of God. One does not exploit him, for example; nor does one terrorize or cheat or deceive him; nor irrationally and arbitrarily coerce him. Conversely and affirmatively it leads straight to a conviction of the importance of justice for the individual. It also defines justice by providing norms.

It may not be enough to think of liberty or freedom merely as useful culture traits, to be adopted or discarded according to whether or not what appears to be a still more useful trait—security or national survival, for example—is advanced as preferable but incompatible. For democracy to survive in the large, complex, insecure industrialized state, it may well be essential that its participants shall love liberty—for others as well as for themselves—with a passion that finds it more precious than life. I raise the question as to whether anything less than a theological base is adequate upon which to build a society of the free.

In the second place, a democracy withers away if its people lose interest in its institutions and their constructive use for the general welfare. This is a much wider matter than merely voting or not voting, though this latter is certainly a relevant barometer. Its importance extends to every form of responsible citizen participation in community life: to business and industry, social work, religious activity, as well as to formal government. In government it also means alertness, and the communication of alertness, between elections. Willingness to accept or even to seek office must be sufficiently widespread among the civic minded to assure a measure of disinterested service. Careers in public administration must have attached to them a prestige and an appeal equal to those of other professions.

If such wide participation is lacking, or (if present) is largely self-centered, then greed, graft, negativism, materialism, sensualism will quickly erode the quality of civic life. A nation will become a nation of cynics. A neutralism in a far wider sense than the so-called appeasement of the present time will set in, whenever the maintenance of moral values in international affairs involves sacrifices. Even more serious will be the gradual, insidious spread of that death rattle of a society known as "anomie," the state of mind of a person who feels he has no stake in his state or community—who no longer, if indeed he ever did, warms to the appeal of patriotism. So buffeted has such a man been by society, so in vain has he looked to leadership for recognition, so preoccupied has he been with the mere struggle for existence, that the ties of obligation to, or even of companionship with, his fellows scarcely exist. Millions and millions in this day and age exhibit this tragic phenomenon.

I am speaking here of the need for responsible participation. By this I mean an affirmative attitude toward society, an attitude that places obligations at least on a par with rights; that in blunt and governmental terms expects to pay taxes in return for services; that in larger terms accepts and welcomes the opportunity to expend effort in behalf of the general welfare or the good of all.

Here lies a possible danger in the so-called "welfare state," even when created under the rituals of democracy, unless in some way it is buttressed by responsible citizenship. It was the late Ortega y Gasset in his brilliant work, *The Revolt of the Masses*, who first dramatized this danger. Europe of the twentieth century he saw as the product of giving the masses the voting franchise, without their first having a corresponding sense of responsibility. In such a setting, power goes to him who promises most and exacts least. That there is another and brighter side to this picture surely owes much to whatever forces there have been and be that make for self-reliance as a basis for social responsibility. The high degree of success of the cooperative movement illustrates the principle involved. So also do many of the striking achievements arising out of the intimacy of local self-government.

But are these and others akin to them enough? Framed in another fashion, is, for example, the widespread pluralism of our society enough to assure responsible participation through the educational value of the satisfying experiences, including the social prestige, the actual accomplishments and the consequent sense of significance, the pleasures of cooperative effort and association, which this pluralism engenders? I freely and happily concede the strength of these experiences. I believe they are growing. I also believe that their growth is at least in part undergirded or motivated by that sense of the imperious responsibility of the individual for his own conduct which we call conscience. Among the attributes of such conduct, none looms larger in religious teachings than social responsibility, the governmental facet of which is participation looking toward the general welfare.

It is at this point, for want of a better, that note should be taken of the educational implications of this attitude. Toward childhood there are special obligations, and among these obligations is the development of a civic mindedness. I see the end product, the development of the child into an adult able to stand on his own feet, and himself ready to participate responsibly in building the good society.

Given men with an outlook of this sort, inspired by inner conviction, reinforced daily by a search for the will of God for themselves as individuals, one need not fear government or statism. With open eyes we shall use government when it seems right so to do; we shall refuse to use it when the impairment of individual responsibility outweighs any seemingly greater opportunity for flourishing of personality, or where what men want exceeds that for which they are ready to pay or sacrifice. I recognize that this is a formula, a generality, which may seem to some to have little concrete guidance to offer in the day-to-day issues of government. Yet I am saying that I have complete faith in the democratic process, if and when the conflict of issues is between those who believe it is God's will to use the state as a positive instrument for the betterment of society, and those who fear that such use will undermine the individual's responsibility before God to accept his share and more than his share of the world's work.

The reconciliation of these often incompatible objectives has been a preoccupation of the political theorist since the days of the Greeks. The religious faith of the Western world has potentialities in this reconciliation, for in this faith the individual is end and not means—but an end which includes responsible participating citizenship as not the least of its attributes. Without this faith or its equivalent (and where is this "equivalent" to be found?), I fear many things: the self-centered use of political power, indifference to political action, a footloose, aimless society, reluctance to accept civic responsibility. What are these but cancers eating away at the vitals of our Western world, archenemies of the democracy which we hold as a common and would-be fighting faith.

There is a third motive or principle necessary to sustain democracy. All definitions of democracy have at least this in common: they agree that discussion preceding decision (and, for that matter, free and critical discussion following a decision) is one of its major attributes. If such a discussion is to be full and free, if ideas are to win their way in the market place of reason, then characteristic institutions such as a free press, free communications, open sessions of parliaments and chambers and congresses, judicial processes allowing a man his "day in court" are corollaries. New institutions may be needed, better devised to bring technical competence to bear upon decisions or better able to clarify issues. But these are not primary.

What is the primary need is a certain assumption of integrity, the assumption that when a man advances an idea or makes a statement which he expects will influence the decisions of others concerning a governmental problem, he is telling the truth. There may well be "another side" to a question, but as far as it goes his statement is not a lie. And if in the market place of ideas, it turns out not to stand up under criticism, because of either superficiality or error, he must not expect the attention in the future he received in the past. In the long run we live governmentally by ideas grounded in experience arising from experiment. In this setting men advocate or oppose the various measures lying within the discussible sphere of state action. This is the governmental, the democratic counterpart of the scientific method; the extension into the field of politics of the laboratory method, the objectivity of the pure scientist. Party line, the Communist substitute for truth, is unthinkable.

What shall be the sanctions of integrity; what its motivating force? Shall we rely wholly or even primarily upon "the market place of ideas," when a primary objective of naked power has always been to control the avenues of communication? The ultimate sanctions are internal; the drive toward honor is of the spirit. Here again the voice of authority speaks, "Let your Yea be Yea, and your Nay, Nay." Jesus by spirit and example unmasked hypocrisy and deceit. He ever sought in simplicity, clarity, and guilelessness to isolate the heart of the matter in each and every issue of life. There are problems in today's government, economy, and society incomparably more complex than any in Christ's day. The facts that must be brought to bear upon the solution of these problems are sometimes so vast as to stagger the imagination. This very situation offers a greater and greater temptation to indulge in propaganda or, worse, to use specious arguments, to appeal to emotion and not to reason. The democratic process of discussion seems at times to falter or fail. One must not underrate the force of the example and command of Jesus to His myriad followers today, as among the forces making for that substantial and necessary increment of integrity in discussion which must be added to democratic institutions to make them work.

The fourth prerequisite for a successfully functioning democracy carries one into the economic order.

We all know that the industrial age has brought with it specialization, and that this specialization has divided men into various economic groups—labor, industry, finance, the professions, agriculture, and others—and that these great groups are subdivided, sometimes sharply so, into all sorts of sub-groups: coal miners, bankers, physicians, dairy farmers, steel manufacturers, and literally thousands of others. These form the warp and woof of our economic life. We appreciate the extent to which they likewise characterize and at times dominate our political life as well. Each of these groups more or less lives in its own limited world; its members experience the same frustrations, enjoy the same advantages, and thus have come to a considerable extent to share the same political point of view, which in turn diverges to a greater or less extent from that held by other groups. In the United States these divergent points of view of this multitude of economic groups are the greatest single phenomenon in what we call politics and public opinion. Their group insistences furnish much, perhaps most, of the agenda of government. For these groups have long since learned that government intervention can be one of the most powerful tools in improving their economic status, or in bringing success to one side or the other in the economic struggle. Hence pressures for laws to promote their special interests. In fact, a cynic once defined politics as "the battle of interests masquerading as principles."

Still closer examination reveals that much of the consequent legislation of the present day consists of two parts: the declaration of an objective in behalf of a particular group or groups, and the creation of an agency in the bureaucracy to carry out this objective. The means chosen call for continuous intervention in the economic order on the part of the agency, so as to safeguard or advance the status of the economic groups whose political pressures brought the agency into existence, and which are now its clientele.

Neither in the economic nor in the political activity of these groups is there any inherent identity between group interests and national welfare. There is much that does so coincide, but it is largely unintended. Moreover, there is constant conflict between the aims of two or more groups, and it is not unusual for a government actually to pursue contradictory policies simultaneously as the result of rival pressures. To such a society of conflicting groups we apply the term "dispersive" and a government of which this is the predominant characteristic we call the "dispersive" state.

This state of affairs presents a very serious threat to the public interest. In their extreme form these group pressures may almost literally tear to pieces the body politic and economic. During the decade of the 30's, and earlier in some nations, they represented a basic political obstacle to effective dealing with the economic depression. Even today, they present a formidable hazard to fiscal solvency and national security. While in time of war appeals to patriotism are usually enough to induce groups to sink the extremes of their self-interest, in time of peace civic and social loyalties falter and rationalizations of selfishness take their place. The dictatorships of Hitler and Mussolini were in part the irrational responses to situations of this type.

There is a striking statement of St. Paul which is relevant at this point: "For the body is not one member, but many. If the foot shall say: Because I am not the hand, I am not of the body; is it therefore not of the body? And if the ear shall say, because I am not the eye, I am not of the body; is it therefore not of the body? If the whole body were an eye, where were the hearing? If the whole were hearing, where were the smelling? . . . But now are they many members, yet but one body. And the eye cannot say unto the hand, I have no need of you. . . . And whether one member suffer, all the members suffer with it, or one member be honored, all the members rejoice with it."

The analogy goes to the heart of the problem. Each group performs a specialized function; society as a whole receives the benefit. Essentially this is the Christian insight which gives meaning to daily work. Whether the organizing mechanism of such an economy is found in the institutions of capitalism (which personally I prefer on practical grounds), the cooperative commonwealth, or socialism, or a mixture of all three is a question of expediency, and is largely irrelevant to the central problem. This problem, I repeat, is the discovery of an altruistic motivation so powerful, that the various economic groups will make the necessary sacrifices to dedicate themselves to the common good—*and do this freely.* Dictatorships, despairing of this ever being freely done, control the media of communication, and impose their solutions. A democracy whose economic groups and peoples have freedom but lack altruism is weak at its very heart and may well be doomed.

Adam Smith and the group utilitarianism which is his contemporary adaptation present economic fallacies and political hazards. In all history only patriotism and religion among the passions of men have ever been powerful enough on a scale large enough to weld an economic order into a unified, cooperative, viable whole. The greater the crisis, the more nearly patriotism by itself has revealed fascist tendencies. I freely grant that motive, however pure, is not enough; and that a disciplined knowledge of the economic order must accompany even an altruistically proposed solution. Yet, if freedom is to be an element in that solution, team play must by definition be voluntary—and hence a matter of motive. We know enough now to know the limitations of an exclusive reliance upon price and the free play of the market as regulators. Far too large a portion of the economy is privately as well as publicly "administered" to allow this. The layman's supreme expression of his religion may well be vocational, and such expression should be an effective aid to a service-oriented economy.

In the fifth place, the office holder, be he elected or appointed, occupies a key place in contemporary society. Leadership seems destined to be more and more concentrated. As life baffles more and more of us, there is an almost inevitable tendency to seek for and to follow the man who gives us the impression of adequacy. Such may be the demagogue whose noises coincide with our own prejudices. Such may also be the elected leader of character who moves surely, strongly, among the manifold problems and pitfalls of a world in disorder. Then, too, the sphere of government is enormously extended. This is true, not only of overt state action, but even more of the far wider sphere in which governmental decisions affect or influence decisions in what is technically the sector of private industry or spontaneous social behavior.

Moreover, the "mysteries" of technology and specialization multiply the opportunities of the office holder unobserved to behave irresponsibly through inertia, self-seeking, and undetected error.

Hunger for power, carelessness, self-seeking, intrigue, corruption—these hold dangers for our democracies, if once they come to characterize our men in public life. In the more simple days—of, shall we say, Restoration England or the period of Boss Tweed or the Grant administration in the United States—betrayals of public trust more crass and despicable in themselves than those of today did not have the far-reaching consequences which today follow a lowering of the tone of public life.

I recognize the secular factors making for civic righteousness, and I would not underrate them. I know the white heat of contemporary publicity that spares no nook or cranny even of the private life of any man who stands (or runs) for high public office. I know the growing professionalization and long, arduous technical training that are strengthening the whole field of public administration. I know the checks and safeguards of audit and accounting. Yet if the spark be lacking, the fire of public service cannot be kindled.

Recruiting, training, and retention of key administrators are serious problems in the United States. This is not a matter of salaries. Rather, the difficulty is to provide adequate alternative motivation in a situation far too often marked by frustration, buffeting, and even persecution. Relationships between administrators and Congress require a drastic and disciplined rethinking. An essential mutual respect is too often lacking. It would much more often be present if the spirit of public service could be assumed to pervade all parties concerned. Here surely is a special and important instance of what we have discussed above, namely, the necessity for free acceptance of an overriding public interest. "He that is greatest among you, let him be the servant of all," is a religious insight; it is also a governmental one.

The intellectual abstractions of pure reason may be adequate for the highly educated few, though even this is open to question. They are not adequate for the overwhelming majority who for a greater or less portion of their lives are moved by passion. Basically, the problem of a democracy is one of the acceptance of attitudes and customs which will channel passion into constructive lines. A social psychologist might state the problem as one of so canalizing man's inborn and acquired drives that personal satisfaction results from their socially desirable expression. Sublimation is frequently involved. Patriotism is one of the ways chosen, but Mussolini and Hitler revealed the distortions which such a channelling of passion could achieve. It must never be lost sight of that patriotism is agnostic as regards the nature of the individual, and in the modern industrialized state is never by itself very far from fascist overtones. There really remains then only a conditioned humanitarianism as an adequate and safe outlet for passion, and only religion has historically been able to evoke this on a sufficiently wide scale to be effective. The record of religion itself is ambivalent on the point. Only when one turns, not to religion's institutional expression, but to its fundamental teachings, does one perceive that in such concepts as "finding one's life by losing it," or "the abundant life," when these are coupled with a recognition of the infinite value of each human being, are there the necessary guide lines which can canalize passion in the direction of love for others. This, in ways too numerous and obvious to mention, can find remarkable outlet in a pluralistic democracy. In fact, such a democracy is virtually a prerequisite to those attitudes which will generate this constructive passion on any scale widespread enough to be reasonably adequate for an awakening individualism.

A final prerequisite for the present atomic age is an attitude toward humanity that transcends nationalism. It will not have to be argued with the vast majority of readers that the old loyalties of the nineteenth century are inadequate to the mid-twentieth century. The indivisibility of at least the free world is axiomatic, if for no other reason than its sharing of a common menace. It is not beyond the bounds of reason to say that the time may be not too far distant in which the free world and the iron curtain world may both see an uncontrolled science as their common enemy, an enemy so awful as to threaten both alike with destruction. In such a setting a widespread, deeply felt belief in world brotherhood may well be required, especially in the free world. Our greater strength may tempt us to forget our common humanity with the enslaved and deluded millions allegedly our enemies. Moreover, out from the more developed peoples of the free world there must flow to the underdeveloped peoples of other races and continents assistance in their self-emancipation from ignorance, disease, poverty, colonialism, exploitation, race discrimination, terror. Some of this help will continue to be through missionaries. Some will be through industry, capital and labor alike. More and more such aid is apparently destined to be governmental. This I take it is the meaning of the Technical Assistance Program under the United Nations, the Colombo Plan, the Point IV Program.

What then is to be the underlying philosophy of these international relations? Are they to be largely dominated, as in the past, by power politics, by search for economic advantage, by the diplomacy of self-interest? If so, I see no end to the tragic and ever more disastrous cycle of wars interspersed by periods of suspicion and struggle.

These are a few, inadequate suggestions on a theme too vast and complicated to be handled in brief compass. The central hypothesis is clear. It is that on the international front in its major relationships, an inexorable series of events is forcing the necessity of widespread acceptance of *inter*-national obligations, which require a sense, a feeling, a conviction of a common humanity pervading the leadership and followership of the stronger nations especially. The broad horizons of Isaiah, the supra-national teachings of Jesus, the belief that we are all "children of a common Father"—by attitudes such as these are men convinced and inspired.

II

Let us summarize the course of argument thus far before considering certain probable rejoinders.

We have too often been content to treat the forms of government as being the heart of government. We have not looked to the substance. When we do look to the substance we find that the motives of men hold the key. I take it that the overwhelming majority of the readers subscribe to the democratic way. Do we see the price to be paid for its survival, over and above military strength or economic health? I submit the following as the necessary attitudes to sustain democratic institutions:

1. Love for and belief in freedom: best based upon belief in the sacredness of the individual as a child of God.
2. Active and constructive participation in community life: best based upon the obligation of the Christian, the Jew, and other believers to accept responsibilities, cooperating with and working for their brother men.
3. Integrity in discussion: best based upon the inner light of truth being primary in a world God meant to be righteous.
4. The freely assumed obligation of economic groups to serve society; best based upon the Christian insight into the nature of society as set forth, for example, by the parable of the body and its members.
5. Leadership and office holding regarded as public trusts: best based upon or inspired by the example and teachings of religious prophets, such as Jesus, who accepted such a service "to the death."
6. Attitudes assuring that passion will be channeled into constructive ends: best based upon religious faiths that unite an obligation to love and serve with a recognition of the primacy of individual personality.
7. Friendliness and cooperation among nations: best based upon the vision of world brotherhood derived from a faith that we are all children of a common Heavenly Father.

I freely grant that many of these attitudes would be helpful also to non-democratic forms of government, especially the fifth. I seriously doubt, however, that at least the basis of any of them could have anything but the most precarious existence except in a democracy.

The basic difference among the participants in this symposium is not so much as to the prerequisites in attitudes for democratic survival and flourishing, as it is with regard to the means by which such attitudes may be attained. As to the attitudes themselves, there are, of course, some differences, mostly in emphasis rather than in selection. The means to be employed constitute the core of the inquiry; they are the basic factors in disagreement. Consequently a few words are in order concerning critiques of the religious approach.

In the first place, does education constitute an alternative? This is the implicit assumption of the positivist, although the latter denies the validity of values except that of knowledge itself. In such a vacuum of values, and even more of the sanctions and motivations thereof, men have used their "emancipation" as an invitation to exploit as much as to serve. Moreover, positivism is essentially descriptive and not normative. The resultant relativism in morality is intrinsically a denial of any contemporary "categorical imperative." This pulls the rug out from under the resisters to totalitarianism. As Thomas Cook has so well said, it tempts the wise to deny freedom to the foolish[1]—and who is "wise"? Education is a part truth. Fact is a prerequisite to intelligent action; meaning is needed to assure that such action shall be humanistically oriented.

Cook would find such meaning and motivation in the "essence of man." Northrup would find norms in a philosophic interpretation of the natural sciences. Pennock seeks his in conditions giving rise to a healthy society of healthy personalities, chiefly institutional. Plamenatz urges pragmatic self-interest, but the self-interest of an essentially moral man.

Against such impressive and intellectually appealing counter-proposals I would urge two points. In the first place, I see little likelihood—far less likelihood than in the case of religion—of any or all of them gaining sufficient mass acceptance to prove effective, certainly within the time allowed. The second point is that I regard them, not as alternatives to the religious approach, but as co-partners. If the religious hypothesis is intellectually sound, then each of these becomes an aspect of it, arguing that man, by nature, is "created in the image of God," and hence in "essence" is democratic; that experience will reveal the satisfying nature of the democratic way; that the natural world is a part of the evolving purpose of a "good" God and reveals His nature; that the healthy personality is the one possessed of "inner peace" and the institutions sustaining a healthy society are the natural expression of the kind of religious faith I propose.

Actually Plamenatz offers, not so much an alternative, as his critique of the religious hypothesis. He calls attention to the acceptance by the early Christians of slavery and the absolute power of the Emperor, and rightly says that they were as sincerely Christian as those of today. He also says that they were as *adequately* Christian; but this I question. The centuries have brought their deeper insights, and the frontier of the understanding of the consequences of Christ's teachings has moved steadily onward until it now embraces fields of social action and community life of which the early Christians never dreamed.

Then, too, Plamenatz would distinguish between the theological view of the value of the human soul and the judicial and political expressions of the individualism of the good democrat. He concedes an historical nexus; he questions a logical one. It is at this point that I would make more explicit my concept of derivatives and corollaries. The rights and duties of a free man derive from his nature; they must be expressed (among other areas) in political and judicial institutions. My argument stands or falls on whether my reasoning has established this derivative character of rights and duties. I find no corresponding doctrine of origins in Plamenatz' reasoning.

Perhaps a "sense of justice" may be a broken reed as regards the sustaining of democracy, as Plamenatz suggests; but if it is so, this is by virtue of the absence of an accepted norm, theological or otherwise, which holds democratic values as absolutes. Pragmatic self-interest does not appear to me to be an adequate substitute.

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[1] Thomas I. Cook, "The Prospects of Political Science," *Journal of Politics*, Vol. 17, pp. 265–74 (May, 1955).

I find most persuasive Plamentaz' reasoning as to the necessity of public confidence and his acutely drawn distinction between confidence in leaders and confidence in the democratic system—and the priority of the latter. I agree with him that charisma is a dangerous substitute.

Is my religious hypothesis intellectually sound? This is neither the time nor place to argue at length. I only suggest that in the contemporary world, a fair definition of faith is "a willingness to act on probabilities." I myself feel that the Hebrew-Christian faiths come under such a heading. I believe further that there is a not inconsiderable possibility that, especially in the leadership of the democracies and to a considerable extent among the rank and file, at least in the United States and Western Germany, there is a growing commitment to this faith in action.

Of the six nations which we submitted were decisive in the health of democracy, five—the United States, Great Britain, France, Germany, Italy—are Christian or Jewish-Christian in their tradition. The sixth, Japan, is Shinto, and this philosophy sustains some but not all of the prerequisites.[2]

Religion by nature is an absolute. It encompasses passion as well as reason. It undergirds with the "will of God" the attitudes and *mores* we have mentioned. Will anything less suffice as a cultural prerequisite for sustaining a democratic socio-political order? If not, for which religions may we claim adequacy to sustain the democratic way? These are coldly objective questions. Let those who resist the author's line of reasoning and conclusions, at least face the obligation to answer them.

ERNEST S. GRIFFITH.

B

The cultural conditions of successful democracy in the United States are not the same as in the forest cantons of Switzerland, nor are they what they were in the Athens of Pericles. Though democracy is more than a system of government, it is also a system of government. It is a set of political institutions together with the manners and morals, the ways of thinking and feeling, that go with those institutions. We may set greater store by what goes with the institutions than by the institutions themselves, but the institutions are what we most easily see and what we can most readily describe. It is therefore by reference to them that we define what goes with them. By the cultural prerequisites of democracy we mean the ways of thinking and feeling that go naturally with democratic institutions. This natural association does not mean that, wherever we find the institutions, we find their psychological and moral counterpart, but rather that the two, where they coexist, sustain one another, and that neither is enduring except where it can lean heavily on the other. The connection between them is unlike the connection between mind and body as either theology or science describes it. For theology gives to the mind or soul what is virtually a total independence of the body, making the link between them external and temporary; whereas science so describes the relations between them that it is impossible to conceive how either could be what it is except in the most intimate connection with the other. But political institutions can sometimes survive their moral and cultural conditions for some considerable time, and so too can these conditions survive them. In this case, both "body" and "soul" are mortal, and neither is lusty and strong without the other; but they are not always born nor do they die at the same moment, nor even always in quick succession.

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[2] Note its shortcomings under 1, 3, and 7 above.

The vast democracy of the modern industrial state, whether American, French, or British, is not Athenian democracy; and the cultural conditions of its success are by no means the same. In discussing these conditions there is perhaps no need to discuss the institutions that make possible the vast democracies of today; but there is a need to keep them constantly in mind. And that for two reasons. For, unless we do so, how can we distinguish what makes for successful democracy from what makes for success in other kinds of government? And how can we distinguish belief in democracy and in the ends it serves from the habits of thought and feeling that make democracy work? There are peoples whose passion for freedom and justice is strong and sincere and who are yet not good democrats. They want what democrats want, they condemn what democrats condemn, they hate servility, they respect privacy, they desire equality. All that democrats praise is attractive to them. They try to practice democracy, but they find it does not give them what it seemed to promise. They lose faith in it, not because they have ceased to want what democracy promises, but because they have ceased to believe that democracy can provide it. They have the ideals but not the temper and the habits of democrats. It would be foolish to accuse them of servility; they are as suspicious of power and as eager for freedom as anyone. If they are not free, it is not because their desire for freedom is weak but because they fail to work the institutions which alone can give freedom in the large industrial societies of the modern world. It is one thing to desire freedom and to accept the democratic ideal; it is quite another to have the moral preferences and habits that make democratic institutions function properly. It seems to me that, among the nations of European stock, the Latins have as strong a passion for freedom and as deep a respect for personal integrity as the English-speaking peoples; they are as strongly attracted by the ideals that democracy is intended to serve. But they have not, except the French, shown much aptitude for democracy. What people on earth are less servile, more suspicious of power, more jealous of personal independence, than the Spaniards, who have never known genuine democracy?

No doubt, there is something—and that something is important—common to all kinds of democracy, to American democracy and to the democracy of the small city-state. But the differences between them are perhaps greater than the similarities. That is yet another reason for keeping the institutions of modern democracy very much in mind. Administrative problems and administrative methods have a great deal in common in all large modern states, democratic or dictatorial. A modern industrial society cannot function unless all its adult members are literate. The modern state is concerned with its citizens more variously and more constantly than any state before it; it is concerned not only with their needs but with their minds, with all their reactions to itself. This state, democratic or not, seeks to win the active allegiance of its subjects, to work upon their minds and their feelings. A Roosevelt, a Stalin, and a Hitler have not only similar administrative, economic, and military problems to solve; they have also to use broadly similar devices to serve people's needs and to evoke from them the responses they look for. The methods of government are similar, not so much because the states they govern are large—for Chinese, Indian, Roman, and Russian emperors have ruled states larger or as large—as because their subjects are literate and belong to societies more intricate, mobile, and quickly-changing than any before them. The modernity of the modern state consists largely in this, that, however tyrannical it may in fact be, it cannot govern unless it uses many of the instruments and devices invented or adapted by liberals and democrats for the service of liberty, and unless it invokes at least some of the ideals of democracy. There is a sense in which every modern state is either a genuine or a false democracy. It is so even when its rulers expressly renounce democracy. Hitler and Mussolini did not, like the Bolsheviks, forbid democracy in practice while loudly proclaiming that their system of government was at bottom more democratic than what the West called democracy. On the contrary, they repudiated democracy. Yet they could not rule except behind a façade which often looked like an imitation of democracy; they could not do so in spite of the contempt they openly expressed for democracy. Modern tyranny, in some obvious ways, is more like modern democracy than either is like the systems which, in earlier times, went by the same names.

I

If we do not bear in mind the institutions of modern democracy, we are in danger, when we discuss its cultural prerequisites, of misapprehending the truth, or at least of falling short of it. Let me give an example. Hardly anyone will disagree with Griffith when he says that "respect for individual personality" is essential to democracy. There are even enemies of democracy who admit it. This respect, they say, is indeed essential to democracy, if democracy is to be genuine and enduring; but democracy, they hasten to add, does not really promote it, and probably cannot do so under modern conditions. For, today, government is impossible except through the exploitation of mass opinion and mass emotion, and this exploitation saps the moral autonomy of the individual. Modern society dwarfs its members, and the few that it exalts, it also debases, making demagogues of them, cynical players of stereotyped and vulgar parts.

We need not agree with these critics. The management of men has seldom been a scrupulous or clean business, either in small and simple societies or in vast and complex ones. The stench of corrupt monarchy or aristocracy is quite as nasty as the stench of corrupt democracy. Nor is it true that large societies are more apt to be oppressive and vulgar and inhibiting than small ones. At least we have no evidence that it must be so. But, though we need not agree with these critics who say that the very size of modern democracy defeats its purpose, we must press the question further: what is this "respect for individual personality" essential to modern democracy? Is it the old Greek respect for vitality and self-assertiveness, for the man who can play a fine part in the world, who can attract the admiration of his fellows? Is it the Christian sense that every soul is infinitely valuable in the eyes of God? Both the Greeks and the early Christians accepted slavery and the subjection of women. Were the Christians of the Roman Empire less deeply and less sincerely Christian than they are today? Yet they loyally accepted the absolute power of the Emperor in all temporal matters, and refused him nothing except a worship which they felt was due to God alone. Can we say that Christians, when they are democrats, are, if not more sincerely, then more adequately Christian than when they are not democrats? Surely, we ought to say nothing of the kind. When we are tempted to do so, it is, I think, only because we happen to be both Christians and democrats, who like to see a close connection, logical and psychological, between our two faiths. But in themselves these faiths neither exclude nor suppose one another. The good Christian believes in the "infinite value" of the human soul; and the good democrat believes in what he calls individualism. But a good Christian need not be a democrat, nor a good democrat a Christian. It may well be, since modern democracy first arose among Christian peoples, that there are important historical connections between democratic ideals and Christian theology and ethics. It does not, however, follow that the individualism of the democrat and that of the Christian have much in common.

The individualism of the democrat, the sentiment which must be widespread and strong if democracy is to endure and to function properly, is a respect for the right of every man to order his life as he pleases provided he admits the same right in others. It is, indeed, more than that; for it has a less general, a less abstract side to it. It is a sense that, among all the positive rights and duties which a man has in modern society, some are more sacred than others because on them, more than on the others, depends his ability to be himself, to order his life according to his own notions of what it should be. No man's freedom is unlimited, for he must live in society with other men. Whatever his strength or his talents, he is much more dependent on the others collectively than they on him. The faith of the true democrat is that freedom should be as great as possible, that it should not be greater for some than for others, and that men's duties to one another follow from their fundamental right to freedom. These duties are, indeed, a kind of service to freedom, for, except where they are loyally done, the community cannot preserve the freedom of its members.

This individualism of the modern democrat is different both from the love of freedom of the ancient Greeks and from the Christian sense that the value of every human soul is infinite. It is love of a freedom differently conceived from the freedom dear to the Athenians, who cared so much less than we do for privacy, for every man's right to make for himself a world of his own in the larger world he shares with others. In a rough and general way, the individualism of the modern democrat can be defined without reference to democratic institutions; it is respect for certain rights called fundamental because, unless men have them, they cannot be free, and respect also for duties which must not be neglected if those rights are to be made good. But these rights cannot be fully and adequately defined except in relation to the judicial and political processes which make them actual: in other words, except in relation to democratic institutions.

The Greeks, it has often been observed, lacked our modern conception of rights and therefore our notion of freedom. Not even the Athenians had it. Their courts of law were different from ours in both spirit and procedure; they were less scrupulous, less judicial, less anxious that strict justice should be done to the individual even in defiance of public opinion and of the feelings of his neighbors. The Athenians, too, were individualists, but in a sense that is not quite ours. They lived more publicly, more under the eyes of their neighbors; they cared much less than we do, not only for privacy, but also for the kind of family life centered round the mother, which is the most intimate and personal of all. Athens, for our taste, was too much with the Athenian, who was less concerned than we are to protect the citizen from the state, to define and elaborate his rights as a private person, as a man seeking to make the best of his life according to his own lights. The Athenian was more concerned with man as a citizen than as a creature who, ordinary though he may seem to others, is always unique even among his own kind, a self separate from other selves and with its own peculiar way to make through the world. Athens was perhaps better able than the modern state to possess its citizens entirely without degrading and frustrating them. But today the democrat feels that, if he is to call his soul his own, if he is to preserve dignity and self-respect, he must be jealous of his privacy, he must guard his own little world against the state; he must do so in mere spiritual self-defense. To him, therefore, much more than to the Athenian, the state is a means and not an end.

II

After respect for personal rights, for privacy and independence, I should put, as a cultural prerequisite of democracy, respect for law, for judicial and political processes, not for their own sake, but as means to security and freedom. This, too, is something to be defined more particularly if it is to be shown how exactly it is a condition of democracy. I do not speak of respect for law merely as such. For that kind of respect has existed in many societies that were not democratic. What I speak of is the respect for law resulting from the love of freedom; it is a respect for the judicial and political processes which, in a large and intricate society, are known to be conditions of freedom. These processes are elaborate and difficult to describe. Most people do not, indeed cannot, understand them in the way that the professional student of politics or law tries to do; they cannot describe how they function. But they can acquire a considerable familiarity with them, and can understand the need for them, putting their true value on them. These processes preserve order and protect liberty, and yet do not prevent change. They make change easy and acceptable provided it is carried out according to definite rules.

This kind of respect for law is altogether different from respect for organized power and established authority; it is rooted in the love of freedom and the sense of justice of a community of equals and not in the mere need for order. This love of freedom is a lively sense that authority is tolerable only because it gives men what they most want and value, what they, and not those in authority over them, think is good for them; and it contains within it the understanding that freedom depends on law, which is an elaborate structure created over a long period of time, a structure more easily destroyed than rebuilt.

Like Pennock, I should put a high value on respect for law, for the "rules," for established judicial and legal processes, as a cultural prerequisite of democracy. I should distinguish this respect for law from the respect for custom of primitive communities, from respect for mere authority, and also from respect for justice in the more general sense. For this respect for law, as distinguished from respect for custom or abstract justice, is associated with a sophisticated conception of government as a changing means to changing ends, an instrument adaptable to human purposes, and which yet must not be adapted arbitrarily. It is constitutionalism of a kind which hardly existed in the Middle Ages and which first became powerful among Europeans, especially in England and in the English colonies across the Atlantic, in the seventeenth century.

This constitutionalism, or respect for a body of precise and intricate rules that preserve acquired liberties, is not to be confused with the mere love of order or with respect for authority. Respect for authority is habit or admiration of power or flows from the need of security; it is passive and unenterprising, looking to government for protection and guidance, and for little more. In itself, it is not evil or contemptible; and yet, unmixed with other motives, it seems, at least to people accustomed to democracy, a little base, a little servile.

Nor is constitutionalism merely a sense of justice. In all societies that are orderly, that are not a prey to anarchy, there is a strong sense of justice; there are rights and duties which almost everyone ordinarily respects or performs. We cannot say that this sense of justice is stronger in democracies than under other forms of government, nor even that democracies are more dependent on it than autocracies or oligarchies. Even in societies on the brink of civil war, there is usually a deep sense of justice. For men who willingly take up arms against their fellow-countrymen usually have strong moral motives for doing so; their sense of justice is deeply offended by the claims of the other party. It was not want of a sense of justice that brought the Americans to fratricidal war in the 1860's or the English in the 1640's. Nor, on the other hand, need differences of opinion about justice, even very deep differences, lead to civil war.

In few countries in Europe have inequalities of wealth and opportunity been greater than in England in past centuries. The poor, during the last century, ceased, perhaps for the first time, to accept these inequalities as right or inevitable, as their ancestors had always done. They acquired notions of justice profoundly different from those of their masters, notions which the entire structure of existing society daily outraged. They became radicals. Their conception of justice was surely more profoundly different from that of the privileged classes than, say, the conception of John Pym and John Hampden from that of the Cavaliers who fought for Charles I. Certainly, as great a political, and a much greater social, revolution happened in England in the nineteenth than in the seventeenth century; and wherever there is change on that scale and at that speed there are sharp clashes of interest and profound differences of opinion about the essentials of justice. These differences were not less sharp and profound in Victorian England than in the France of the July Monarchy, the Second Empire, and the Third Republic. Yet, whereas in the England of the Stuarts and in nineteenth-century France, there were civil wars and dictatorships, in the England of Victoria there was peaceful and, compared with all previous ages, rapid and many-sided change.

This happened, not because the English under Victoria were more united than they had been in previous ages, or than the French then were, about the essentials of justice. It happened because the English ruling classes were already strongly constitutional in temper, because they had a system of government that admitted change, because they were used to compromise, to frequent and peaceful political victories and defeats according to accepted rules, and because at least some of them were won over to the cause of the poor and the voteless. They gave way reluctantly but they had learnt how to give way; they gave way gradually and voluntarily, and were never humiliated or driven into exile or into the political wilderness; they were never turned into class enemies of the new England which, little by little, deprived them of most of their privileges.

This respect for law, for judicial and political processes known to be conditions of freedom, was at first confined to the ruling classes. The common people had only the more primitive respect for custom and established authority, and also conceptions of justice which, in the age of Victoria, were fast changing and causing them to make demands of a kind never before made on the wealthy and powerful. Because their rulers found it possible to make one concession after another to them, and because the privileges of the well-born and the rich were gradually extended to other classes, the common people acquired in time as strong a respect for law as their rulers had. They had always, like every people everywhere, had a strong sense of justice; and they had always, like the poor and humble in most places at most times, treated their superiors with deference. They had for centuries loved tradition and respected authority. But their conception of justice had changed quickly in a few decades, and this change, far from strengthening, had at first greatly weakened their love of tradition and their respect for authority. What they acquired, as a result of the peaceful and rapid concessions made to them, was a respect for law more sophisticated and refined than they had had before. The mass of the English people, from being the law-enduring servants of aristocracy, became the law-respecting citizens of democracy. I speak only of the English people because I happen to know them best, but I suspect that there was a similar course of events in the English-speaking parts of America, which were also, in the past, much more aristocratic than democratic, though aristocratic in a rather different way from the old world.

III

Among the seven prerequisites of democracy described by Griffith are a sense of obligation to take part in the business of government and a sense that public office is a public trust. I agree that they are both important conditions of success for democracy, though the second (the sense that public office is a public trust) is not less important to other systems. The prestige of the Prussian monarchy depended largely on it, and the absence or comparative weakness of it was not least among the causes that destroyed the old monarchy in France. It might even be argued that this second condition is more important in undemocratic than in democratic systems, for freedom, to those who have learned to value it, will not seem too dearly bought even at the price of considerable corruption and inefficiency. And in any case, corruption and inefficiency, being less easily hidden in democracies than elsewhere, have a way of seeming greater. The appearance of virtue is best preserved in the absence of criticism.

The difficulty about Griffith's first condition is that, in the modern world, it is not possible for the ordinary citizen to take more than a very small part in the business of government. There must always be, in a large state, however democratic, a small minority active in government and a large, almost passive majority. No doubt, where democracy is genuine, the small part which the large majority take in government is vitally important, making all the difference. Because that part is what it is, all the other parts, the whole-time parts of the professionals, are altogether different from what they would otherwise be. It is not at all the same thing to be a civil servant, or a party official, or a trade union leader, or a spokesman for some pressure group or professional body, in a democracy as in an undemocratic state. Only a small part of the people take a large and active part in government, only a few have any chance or perhaps much desire of getting power; but the terms on which those few compete for power, and get it, and keep it when they have it, are altogether different because the part in government of the vast majority, the small and occasional part, is what it is.

There are local as well as central governments, but in the large industrial state, nearly all important decisions are taken at the center. Local autonomies ought to be preserved as far as they can be, but it matters even more that those who hold power at the center should be quickly responsive to the many demands and needs of the people, and should deal justly between them. Even in federal states, where local autonomies are the greatest, only a small part of the people devote much of their time to public business, national or local. Where too much is required of the people, where they are asked to elect to too many offices or to make too many separate decisions, there is always the danger than they will not do what is asked of them, that they will in fact (though not in law) surrender the right to elect and to decide to party officials, of whom they may know nothing. In the United States, the people generally, if we consider the number of times they cast votes, take a much larger part in government than they do in England. Yet I have heard it said by Americans that in America there is more political apathy than in England. Nor is it obvious that frequency of voting makes for greater public spirit and honesty in civil servants and politicians. What matters more, I venture to think, is that the issues put before the people should be as clear as circumstances allow, and that their votes should be decisive.

I began this section by saying that I agreed with Griffith, and have ever since been arguing as if I did not agree. I must make my meaning clearer. For democracy to function properly, it is not necessary for all the people all the time to take a large part in government, but it is necessary that there should be, among all sections of the people, a considerable number willing to be active on behalf of the class, community, or profession they belong to. The politically active minority should be drawn from every class and section of the community, and no one should be excluded from that minority except by failure to win the confidence of the group on whose behalf he wishes to be active. The politically active minority should be infinitely various, strongly competitive among themselves, and never united as a single body against the mass of the people.

To call this minority an élite is to misunderstand its function in a democracy. It does not consist of persons who, by any standard generally accepted or indeed capable of definition, are wiser or better than other people; it consists only of persons who engage in the many kinds of activity called political because they either are governmental activities or are closely connected with government. Within this minority there are politicians, civil servants, judges, soldiers, policemen, and other public servants, and there are also the spokesmen of innumerable groups, professional, industrial, and cultural. These people, like all other sections of the community, have their professional standards, which in a democracy, as in any other political system, are affected by and affect the working of the entire system. The system works, not because these people, this minority, understand how it works, in the sense that they could describe its working, but because they all commonly behave in the ways that make it work. The successful working of the system is not deliberately aimed at by those who work it but is the result of their behaving as they do.

Soldiers, policemen, judges, civil servants, and all the spokesmen of industrial, cultural, and professional groups have, in every large modern state, broadly the same kinds of work to do. But when the state is democratic they do it in an entirely different spirit. Democracy makes subordinates less servile to their superiors. It also exposes everyone engaged at all prominently in public affairs to kinds of criticism unknown elsewhere. The fears and the hopes of politicians, public servants, trade union leaders, and captains of industry are, in a democracy, otherwise directed. Authority, merely as such, means a good deal less to them, and public opinion a good deal more. Loyalty to the community, in a democracy less than in other systems, means obedience to immediate superiors. It is, I think, this capacity to distinguish between loyalty and obedience, this devotion to law and to a way of life rather than to persons, or corporate bodies, or doctrines, that distinguishes the servants of democracy —or, rather, of constitutional government, which, for reasons I have not here space to go into, can scarcely be anything but democratic in the vast industrial state of today—from all other public servants.

Where holders of public office—using that word in the broadest sense to include the leaders of all groups seeking to exert political influence as well as persons actively engaged in government—have this spirit (and the democratic system tends to develop it in them) the people have a different kind of confidence in their rulers from the confidence of undemocratic peoples. No doubt, in all countries, the people like to idolize their favorites; but in a democracy those favorites are continuously subject to the criticism of political enemies. Their power is never secure. Even at the height of their popularity, they can be dismissed from power, as Winston Churchill was in 1945. Churchill was never spoken of more warmly and gratefully than during the election campaign of 1945, which he lost; he was then incomparably the most popular man in England. He may well have been more universally loved and admired at that time by his countrymen than Hitler ever was by the Germans. Yet the English people decided they could do without him, and that other and less admirable men might serve them better in their predicament.

The confidence of the people in leaders whose authority depends on their freely-given confidence is peculiar and not to be found outside democracy. It is strong but not unqualified; it is both persistent and variable. It is an effect of the democratic system and the cause of its strength. Where a democracy so functions that it is difficult for any political leader to acquire the influence that several American presidents and British prime ministers have had over their peoples, democracy is the weaker for it; as it is, for instance, in France. For if the system does not produce strong leaders, or rather does not allow them to use their strength, there is always the danger that the people will look for leaders outside the system, leaders who can only make their power effective by weakening or destroying the system.

There are relations between leaders and followers possible only in a democracy (though not equally possible in all democracies), relations less rigid, less contrived, less uniform, less remote and absolute, less extravagant than those that bind a people to their dictator, but also more easy, human, and elastic. The people give a leader their confidence while they feel the need for him; and they often feel that need in spite of all the attacks made on him. When they get rid of him, they may still feel warmly towards him, or they may not; but he is dispensable. Their confidence in him is born of controversy, thrives on it, and is in the end weakened or destroyed by it. The democratic leader is not, indeed can scarcely be, what is called a "father-image" to his people. For there is no guilt felt at getting rid of him. The system survives and is scarcely altered by his going. The deepest loyalty is not to him but to the system making him and all his kind servants of the people.

This is, admittedly, an idealized picture. There are probably, in every democracy, many people who feel for some leader or other the kind of feelings that good Nazis or Fascists felt for Hitler or Mussolini; and in every "totalitarian" state some people whose political attitudes are more appropriate to democracy.

Some Germans are better democrats than many Americans, Frenchmen, or Englishmen. Nevertheless, a strong preservative of democracy is the kind of confidence that democrats have in their leaders. They prefer the system to the leaders produced by it, and yet, unless they trust those leaders, the system can hardly work.

It is not easy to describe the kind of confidence that a people must have in their leaders if democracy is to work smoothly among them. It is not, however, difficult to tell whether it is there. How the Americans felt towards Roosevelt and now feel towards Eisenhower, how the British felt towards Churchill and how (though with appropriate differences and lesser intensity) they now feel towards Eden, is far indeed from how most Germans felt towards Hitler or most Italians towards Mussolini. Though the difference is difficult to describe, it is obvious, as obvious as the difference in taste between wine and beer.

IV

Pennock has put "willingness to compromise" and "tolerance" high among the cultural conditions of successful democracy. Though I agree with him about "willingness to compromise," I shall not discuss it separately, for I think I have already, in my second section, said what I want to say about it. Democratic respect for law, for the judicial and political processes that make freedom and democracy possible, contains within it the willingness to compromise. These processes have for their object the peaceful settlement of every dispute, no matter what it is. To be a democrat is to believe that men should always, whatever the differences between them, be willing to make a settlement on two conditions: that all parties to a dispute have a right to put forward their demands and to have proper account taken of them in the settlement, and that they all (while this first condition holds) admit their duty to accept the settlement at least until it can be legally revised. The democrat, like everyone else, wants to get his way, but he admits that other men have an equal right to get theirs. He is willing to compromise about anything provided he is treated as an equal negotiator; but he will not compromise about the system that makes compromise possible.

I am not sure that tolerance is a prerequisite of democracy. Of course, if tolerance is merely a synonym for willingness to compromise, for respect for certain fundamental rights, it is a prerequisite; but that, I think, is not its usual, or at least not its whole, meaning. Tolerance is also, and perhaps above all, charity; it is slowness to condemn, it is a lively sense that others are as likely to be right and honest and sincere as we are. It seems to me that, whereas willingness to compromise is perhaps stronger among the English-speaking peoples, who have practiced democracy with conspicuous success, than among most other peoples of European stock, tolerance in this deeper sense quite certainly is not. Over a hundred years ago, Tocqueville was struck by the democratic intolerance of America, by the dislike felt by the ordinary American for anyone with a way of life markedly different from his own, a dislike apparently quite compatible with a passion for freedom and the rights of man. John Stuart Mill passed a similar judgment on the middle-class England of his day. In politics the French and the Italians have not been as respectful of fundamental rights, or as willing to compromise, or as loyal to a political system making compromise easy, as the Americans and the English; but outside politics they have often proved more charitable, more slow to condemn, less resentful of what does not fall within the necessarily rather narrow limits of their experience.

The Americans and the English are perhaps more tolerant today than they were some hundred years ago; and it may even be that this increased tolerance has come with democracy. Yet I do not believe that the aptness for democracy of these peoples owes much to their tolerance in this deeper sense. There is often about them a narrowness of judgment, a slowness of sympathy, which makes it unusually difficult for them to understand their neighbors and to accept them for what they are.

In the past, the Americans and the English have been, if not purer than other peoples, certainly more puritanical. And puritanism is not conspicuously tolerant. The Puritan is a man of independent temper; his self-respect is greater than his respect for others. He feels himself primarily responsible to himself alone among men for how he lives. No doubt, when he prays, he takes care to address God with proper humility; but in his dealings with other men, he is apt to make too free a use of God's authority, as if he were somehow on better terms with his Maker than other men are. The Puritan is not remarkably charitable, but his self-reliance and his common sense tend to make him a respecter of rules and of rights. He sees that he cannot, in practice, have the independence he requires for himself unless he allows it to others; and he has enough justice to admit that others should also have what he claims for himself. By temperament he is not mild and tolerant; he is too sure he is right, and sometimes even too pleased with himself, actually to think it good that there should be people in the world who think and behave quite differently from himself. He will not, however, have other people put upon him, and he knows from experience that he can get his way only if he holds fast to laws and conventions which enable them to get theirs. He loves freedom and justice more than he loves his neighbors. Independence and respect for law are his characteristic virtues, egotism and arrogance his characteristic vices. He becomes apt for self-government, for democracy; he becomes a respecter of rights and a champion of compromise, not because he is deeply tolerant, but in spite of his lack of true charity. His aptness for democracy comes above all from his self-reliance, his self-control, and his practical common sense.

I do not wish to make too much of this argument. Not only peoples influenced by puritanism are apt for democracy. I have spoken of the Puritans only because I have wanted to show that the deeper tolerance, which is a charitable mildness in our dealings with others, a respect for what they essentially are even more than for their rights, is perhaps not a condition of democracy. I do, however, think it likely of democracy that the longer it lasts, the more it disposes men to this tolerance. The enormous, intricate, swiftly-changing, modern state, subjecting its citizens to all kinds of strains and frustrations, probably makes them, in spite of their rationalism and their science, as much as ever susceptible to hysterical, absurd, and cruel passions. In modern society, there are many causes of fanaticism and intolerance, causes different from what they were in older societies but perhaps not less powerful. This, however, is quite compatible with democracy's being, on the whole, a force making for charity and a deeper tolerance.

Men who believe in themselves and put a high value on independence begin by putting up with what they call the errors and the wickedness of others because they see that they cannot pursue undisturbed their own virtuous courses, cannot be free, unless they respect rights, laws, and conventions making those errors and that wickedness possible. But the longer they put up with these errors, the more familiar they become with them, the less obviously erroneous they appear. It begins to seem possible to them that others beside themselves should be honest and pure, and perhaps also right, even in matters they feel strongly about. Men become nicer, more discriminating in their moral judgments. Sometimes, indeed, they even learn to distinguish between their local prejudices and evils more widely recognized as such because they diminish the freedom, the self-respect, the loyalties and affections that sweeten and enlarge men's lives.

Tolerance is an effect of democracy, and of other things besides democracy; but it is not, I think, a prerequisite of democracy, in the sense that individualism and respect for law undoubtedly are. It helps to make democracy work more smoothly, but democracy can emerge even in its absence. In the modern industrial state, owing to its very size and complexity and instability, there are powerful forces that disturb and demoralize men and incline them to intolerance. And intolerance can be fatal to democracy, even though tolerance is not a condition of its success. Love of independence, desire for freedom, respect for law can make the temperamentally uncharitable apt for democracy. When, however, this love and this respect are weakened—and there are many things in the modern world tending to weaken them—intolerance is almost entirely destructive. Charity is the flower rather than the root of democracy.

JOHN PLAMENATZ.

C

Many difficulties beset the path of one who would discuss the conditions or prerequisites of success for democratic institutions, even if the problem is narrowed by confining discussion to large, industrialized states. For example, we are dealing not only with matters of degree but also with interdependent variables. How much of a given favorable attitude is required may depend upon how much of another attitude prevails. If certain groups have a strong sense of *noblesse oblige*, less will be required of the obligation to participate in public affairs on the part of the rest of the society than would otherwise be the case. The greater the disagreement on the content of justice, the more will the satisfactory functioning of democratic institutions depend upon the willingness to compromise. Similarly, there is interplay between attitudinal and institutional factors. A widespread and deeply-rooted respect for freedom of speech or the rule of law may be to some extent a substitute for such an institution as judicial review, although without considerable measure of these attitudes judicial review will not of itself avail. It follows that we must beware of thinking of cultural prerequisites in terms of a checklist of unrelated conditions, each of which, in stated amounts, constitutes a necessary condition for democracy. No such mechanical approach would be realistic.

The example of judicial review may be used to illustrate another difficulty. We easily become embroiled with the question of what is cause and what is effect. Is judicial review made possible by an attitude favorable to the rule of law and individual rights, or is such an attitude fostered and supported by judicial review? Of course, the answer is that it works both ways. The relationship is reciprocal. Recognition of this fact contributes to understanding, but it also indicates a certain artificiality that may easily creep into a discussion of "prerequisites." This problem arises not only out of the connection between attitudes and governmental institutions but also out of that between attitudes and economic and social conditions, or indeed between attitudes and *mores*. A particular pattern of family life and child training or certain educational methods, for example, may foster authoritarian rather than democratic attitudes. It is a wise man who can resolve the problems of paternity involved in these relationships.

I may as well suggest at once that, in considering factors that support the attitudes favorable to democracy, I shall place more emphasis on economic and social conditions than does Griffith, and correspondingly less on religious beliefs. To be specific, if we give thought to the major examples of modern totalitarianism, the role played by economic and social conditions in preparing the way for these regimes is more striking, in my judgment, than any differences in religious belief between the peoples of these countries and those of successful democracies. It may be, as Griffith argues, that lack of respect for the individual and want of a sense of basic unity both contributed to the demise of the Weimar Republic, although it is at least worthy of remark that these two attitudes appear to be somewhat in opposition to each other. No study of that unfortunate chapter of democratic history, however, can get very far without raising such questions as: What was it that produced in the Germany of the twenties an effective minority of "true believers"? What enfeebled the will for democracy among the majority? This is not the place to embark upon an analysis of these questions, to which, anyhow, a great deal of study has already been given. While different students would rate the various causal factors differently, there would be general agreement that prolonged depression with attendant unemployment and a general sense of the failure of the government to cope with the situation was fundamental to the frustration and despair that swept the country. Out of these circumstances came both the Nazi "true believers" and the disillusioned democrats who had not the will to resist.

If we examine the rise of fascism in Italy, we again find that extensive unemployment played a large part in the growth of the movement. Even more, we find frustration arising out of disappointed war aims. Other factors have been mentioned by students of the subject but few if any have ascribed democracy's failure in Italy to lack of religion.

Finally, it is perhaps particularly fitting in considering prerequisites to have regard to a country in which democracy has never been practiced but in which there was an opportunity to give it a try. I refer to Soviet Russia. Why was Russia not fertile ground for democracy in 1917? Was it lack of religion? What student of the subject would not speak first of illiteracy, of lack of experience with free institutions, of the crisis situation produced by war's disorganization, and like factors?

I do not suggest that religious beliefs may not be favorable to democratic attitudes. Nor do I understand Griffith to argue that the mere existence in a country of a high proportion of communicants is a sufficient prerequisite for a successfully functioning democracy. But the remarks I have been making do point to a difference between us at least in emphasis. We are in agreement that certain attitudes are essential to democracy and also that it is important to go behind these attitudes in search of their source. He finds their common source in the religious beliefs of the Hebrew-Christian tradition. That is to say, he finds that specific convictions and attitudes are part of a larger complex. With the latter statement I am in full agreement. I would suggest, however, that even a system of religious beliefs forms part of a larger context. Why do some societies develop religions that give priority to democratic and humanitarian values, while others either develop religions that do not foster these values or else pervert such a religion as Christianity into anti-democratic forms? We must seek the conditions that give rise to a healthy society of healthy personalities, with all the *mores*, attitudes, and beliefs naturally attendant upon such a society, including a peaceful and democratic religion.

And it will do no harm to bear in mind the warning, just intimated, that even the Christian religion is not always productive of attitudes that are either peaceful or democratic. One does not need to appeal to the history of religious wars and Christian autocracies to prove this point. One need only mention Fascist Italy or contemporary Spain. Granted, religion is perverted when it is antiliberal; that only raises the question: what causes the perversion?

I

Let me now turn to a brief discussion of certain attitudes I would stress as prerequisites to a successfully functioning democracy. It will be seen that they occupy much ground in common with Griffith's list. Surely, with John Stuart Mill, we must accept, as a fundamental prerequisite, a widespread desire to be self-governing. Democracy cannot be foisted upon an unwilling people. Moreover, to this we may add with Mill and with Griffith the willingness to accept the responsibilities that democracy entails. With the right must go the duty.

Whether the people of Portugal today are sufficiently interested in democracy that they could make a go of it if they were given the opportunity is at least a serious question. The casual observer gains the impression that the incidence of political apathy is too high to provide a congenial environment for democratic institutions. That impression may be perfectly sound, but to leave the subject at this point would be entirely too superficial a treatment. Whether political interest be considered as a condition prerequisite to the establishment of democracy or as one that must be maintained if democratic institutions are to continue to flourish, it cannot be considered as a homogeneous commodity, the nature and source of which are of no significance.[1] Intense and widespread political interest may be either a healthy or an unhealthy sign in a democratic society. It may be indicative of a degree of tension, of class or group conflict, that bodes ill for other prerequisites, such as the willingness to compromise. It may reflect an intense dissatisfaction with prevailing policies that finds no counterpart in agreement on alternatives. Such a condition is a likely prelude—almost a "prerequisite"—to that politics of desperation by virtue of which dictators so frequently come to power.

It should also be recognized that political interest will be in some measure a function of the extent of governmental activity. In a society in which government determines a large portion of the framework of action within which each individual finds his liberty, it may be expected that political interest will run higher than where market or other individual determinations play a larger role. Among the industrialized nations that are our present concern, the differences in this respect are not so large. Even so, the somewhat lesser amount of petty regulations and lower incidence of direct taxation in the United States may mean that a higher degree of political apathy can be tolerated here than in the other countries in question.

Political apathy may indeed spring from quite various sources. It may reflect a general feeling that all is going well. Even under such circumstances a lively concern for improvement, *via* political as well as other channels, is doubtless a desideratum; but it is difficult to feel that the absence of such a concern indicates a threat to the democracy in question. The record in this country gives clear indication of an inverse relationship between prosperity and political interest.

On the other hand, apathy may reflect cynicism rather than satisfaction. Pennsylvania politics in by-gone days earned itself the designation of "corrupt and contented." Few would rise to the defense of such a situation. It suggests a corrosive contempt that can hardly fail to undermine the successful functioning of democratic institutions, if it is not corrected. Worst of all, perhaps, is a condition in which apathy is the product of a sense of hopelessness. If because of ignorance, poverty, inadequate communication and organization, or whatever, large numbers of people feel at once discontented with their government and yet incapable of doing anything about it, all but the most vigorous are likely to lapse into political quietism. Such a condition need not be a contra-indication for democracy if a non-democratic government is in power. The overthrow of that government may well bring about a sharp change in attitudes. With the sudden opening of new vistas of the possible, people's political interests may quickly spring to life. But if the government is already democratic in form, the stage is set for a charismatic leader to rise to power. Whether such a leader will operate within the forms and spirit of democracy will depend partly upon the extent to which democratic institutions have degenerated and partly upon pure chance.

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[1] It will be noted that I have shifted the discussion from "the desire to be self-governing" to "political apathy" and thence to "political interest." I am not unconscious of the change. It may well be that if I were to adhere to the original concept further discussion would be unnecessary and the proposition would hold true that the greater the desire to be self-governing the better. The trouble is that precisely the series of shifts just pointed out is often made *un*consciously, with the result that an argument that begins with perfectly sound propositions winds up with statements about political apathy or political interest that are not supportable.

But democracy is much more than a technique of government. It is a technique that reflects certain values—notably those of individual liberty and equality. Unless the bulk of the society is committed to a high valuation for these ideals it can hardly be expected that institutions predicated upon them will work successfully or long endure. We need not haggle over the meaning of "equality." It is well understood that not equality of condition but the negation of special privilege and the recognition of what is generally called "the dignity of the individual" is what is meant by this term. The connotation of the last phrase is important, however; and it goes beyond what is literally implied by either "liberty" or "equality." The proposition that each vote should count for one and none for more than one is doubtless sufficiently implied by the word "equality." Likewise, "liberty" in this context clearly stands for limitations on the rights of majorities. It includes the proposition that rights, in the form of areas for individual choice, should not only be equal but should also be extensive. The kind of concern for the individual that carries with it unwillingness to tolerate the sacrifice of what is vital to any one person as a means to the realization of less essential benefits for even a large number of others seems also to be characteristic of the value system we are discussing. Perhaps the general disapproval of euthanasia, rightly or wrongly, is a typical reflection of this attitude.

At this point discussion of prerequisites runs a danger of crossing the line into the area of definition. It might be argued that the concept of democratic individualism, on which all three participants in this symposium are agreed, is not so much a prerequisite of democracy as a *part* of democracy as we define that term. Without denying that there would be some point in that remark, I should argue that majoritarian democracy carries within it the seeds of its own destruction; and, moreover, that even a system of legally protected individual rights is nowhere so well defended against the erosive effects of the regulations required by an industrial society as where it is grounded upon lively sympathy and sensitive conscience,[2] expressed in the value system we have been discussing.

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[2] Whether the conscience need find its source in religion I do not know. It would certainly be a mistake to assume that men of good conscience are always religious. As to the specific question of the relationship between Christian beliefs about the individual and democratic individualism, I refer the reader to Plamenatz's remarks on this matter.

Mention may next be made of a concern for the general welfare and for individual justice. While not identical, they are closely related both to each other and to the ideal of equality. Probably no society could hold together without a measure of these attributes; it is also probably fair to say that democracy is especially dependent upon them for its successful operation.

One of the most important and distinctive elements of the democratic ethic, one certainly deserving of listing as a prerequisite, is an attitude of tolerance for difference, of willingness to compromise. Certainly no society can hope to govern itself democraticly unless this spirit prevails. Nothing is a clearer contra-indication for effective democratic institutions than the spirit of intransigeance. The experience of French republics appears to be a case in point.

Closely related to the willingness to compromise, is respect for rules and set procedures. Not only the basic rule of decision by majorities but also innumerable rules and understandings as to procedure are fundamental to successful operation of the democratic process. The American congressional system is completely dependent, for instance, on such understandings as that the majority party will allow adequate minority representation on committees and that the minority representatives will be allowed opportunities for effective participation. Only when participants in a democratic organization of any kind feel assured that the rules will be adhered to are they likely to accept willingly decisions that affect their interests adversely. Democracy is like a game: unless the participants adhere to the rules it fails of its purpose and will soon break down completely.

It is frequently suggested that "agreement on fundamentals" is a prerequisite to democracy. This contention provides a good illustration of one of the difficulties inherent in any discussion of this subject. "Agreement on fundamentals" is very much a matter of degree; moreover, the amount required varies inversely in proportion to the strength of certain other "prerequisites" present. Of course democracy, like other forms of government but to a greater extent, must rest upon a measure of consensus, upon a certain community of values. But can we say with any precision what must be the nature or extent of this consensus, what matters are so fundamental that they must be the subject of general agreement? I doubt it. Harold Laski used to argue that the general principles underlying the economic system must be agreed upon. He pushed his reasoning far enough to lead him to the conclusion that it was very unlikely that the British parliamentary system could survive an alternation of Labor and Conservative governments. Others have contended that no agreement as to the substance of policy, in the economic realm or any other, was necessary as long as there was agreement on the procedures to be used in determining policy. Yet surely no commitment to constitutionalism is likely to withstand a persistent deep and wide cleavage on policy. Nor are people so divided likely to be willing to compromise. In other words, in speaking of "agreement on fundamentals," "willingness to compromise," and "respect for rules and set procedures" (the essence of constitutionalism), we are dealing with three very closely interrelated factors. To a certain extent, a deficiency in any one can be offset by an adequate supply of the others. It seems likely that, taking into account all values that have any great political significance, the people of Britain have a greater agreement as to values than do Americans; and it is at least plausible that this disparity is not unrelated to the differences between our constitutional systems, to our greater reliance upon the mechanisms of constitutionalism. I am certainly not suggesting that Americans have a greater respect for rules and procedures than do Englishmen, but I do imply that our lower common denominator of agreed values (other than procedural) has forced us to erect more procedural restraints and so to rely more on this focus of agreement.

II

It will be apparent that, while Griffith's list of prerequisites and those that I have just discussed do not coincide, they have much in common. Nor should I be inclined to question the importance for democracy of any of the items in his list, although I should think that one or two of them are about as important for other forms of government as for democracy. It is with respect to the central role of religion in creating and maintaining these attitudes that we differ.

No one, I believe, would quarrel with the essentiality to democracy of the notion of the individual as an end in himself, nor dispute the contention that the concept of the "infinite value" of the individual is central to the Christian religion. Whether that concept necessarily carries with it all of the particular connotations that are seized upon by the democrat is probably more debatable, as is pointed out by Plamenatz.

Take, for instance, "love of liberty." Griffith does no more than hint that perhaps nothing less than a theological base is adequate for its foundation. In view of the fact that probably no people has possessed a more passionate love of liberty than the not-very-religious Athenians and the notorious fact that liberty has been more often suppressed than defended in the name of religion, it is easy to see why this connection is advanced so tentatively. I am in thorough agreement as to the importance for democracy of the attitude in question; but the proposition that it finds its surest foundation in religion calls for supporting evidence that I do not find at hand.

It is not only that a Voltaire or a John Stuart Mill—neither marked by religious commitment—may head the list of proponents of that fundamental liberty, freedom of speech, while a Luther or a de Maistre throws the weight of religion on the side of repressive authority—although these facts themselves must give pause to any who would assume any necessary connection between religion and liberty. Beyond this, one must raise the general question of the relationship between democracy and "absolutes." As Griffith remarks, religion is by nature an absolute. Unless one has some foundation for belief in propositions basic to democracy, such as that "the value of the individual is infinite" or that certain defined and equal areas of autonomy should be provided for each individual, then those propositions are built upon sand: this is the position of the democratic absolutist. If one has no metaphysical foundation for democratic values he is easy prey to the proponent of other and conflicting values. Moreover, if he is in a position of authority, he is subject to no ideological check that will put a brake on his temptation to use undemocratic means for the attainment of the ends he desires to promote.

The relativist sees the matter quite differently. He points out that his belief that no set of values can be verified is very different from a belief that all values are equal. He vigorously asserts that a relativist may be as firmly committed to his values as is the absolutist; and that his values are just as likely to be democratic. He can cite much history in his support. He may even attack the absolutist, arguing that he who believes there are ascertainable absolute truths is likely to be convinced that he knows what they are. And if he knows what they are, then he is under obligation to see that society is governed in accordance with these truths, whether or not the majority of people see the light. Those who think themselves wise will always be tempted to deny freedom to the foolish. Will they be less likely to do so if they are convinced that they are holy as well as right? History hardly supports such an assumption.

Conversely, history provides many examples of tolerant and democratic Christian leaders like Roger Williams and of anti-Christian tyrants like Hitler. My own conviction is that it is impossible to establish any necessary or even probable correlations in this area. Under severe stress the democratic commitment of either the relativist or the absolutist may break down; and if it does he can find a rationalization in his philosophy to support his new position. On the other hand, I firmly believe that under favorable conditions both the relativist and the absolutist, the skeptic and the believer, will place the dignity of man among their primary values.

In suggesting that the political implications of religious belief are ambivalent, I find support in Griffith's own argument. In his discussion of "active and constructive participation in community life," for example, it is interesting to observe that he himself notes the dilemma that arises out of conflict between those who think God's will calls for social action and those who believe it calls for individual liberty. The clash between collectivist and individualist may even by exacerbated when each relates his claim to divine command. Griffith's solution is to fall back upon faith in the democratic process. But surely this brings us back to the specifically democratic attitudes of willingness to compromise and respect for rules, to the relaxed attitude of the well-adjusted personality, and to the social conditions—adequate community life and favorable economic conditions, to mention two—which produce that type of personality. We have here, I suppose, one more instance of the functional interaction and reciprocity among the various factors under discussion.

Griffith rightly stresses the dangers of dispersiveness and what he calls "group utilitarianism." The sense of the importance of social responsibility he desiderates would be hard to exaggerate. No society, and especially no industrial society, can be governed democratically without it. Again the question arises: how do we achieve it? In this connection I would add two observations to his remarks, one negative and one positive.

On the negative side, I would suggest that here, too, religion is a two-edged sword. Certainly it is a potent force in reinforcing a sense of social responsibility. But it does not necessarily operate in democratic directions. St. Paul's poetic and moving passage about the body and the members, which Griffith quotes, does indeed express a deep Christian insight and one that is essential for any effectively functioning society. The point is precisely that it is essential for *any* effective society and that with but a slight shift of emphasis it can be made to sound like the credo of fascism. The specifically democratic attitudes are often *so* specific that they must find a less generalized foundation than that of religion.

On the positive side, there is much evidence to suggest that in modern society the very dynamics of democracy itself tends to generate the conditions for its survival. Without in any way belittling the dangers of dispersiveness, *it is encouraging to note that Big Business is today increasingly public relations* conscious. It knows full well that a "public be damned" attitude will not be tolerated. At no time has this been more clearly illustrated than when automobile manufacturers after the war kept their prices far below what the traffic would have borne. The steel industry and many areas of administered prices behaved in like manner. Even those newest giants in the industrial world, the trade unions, are aware of the fact that they must justify their actions before the public. What reader of this symposium is not constantly deluged with literature from both sides of the labor-management fence seeking to explain and defend their positions in each major conflict situation as it arises? I hope I shall not be accused of undue skepticism if I suggest that religious concern is not the major motivating factor in the sense of responsibility that this activity betokens.

The last several paragraphs have expressed a view that differs from what Griffith has to say about the support given to democratic prerequisites by religion. I have suggested that while religion *should* work this way, it in fact often works in the opposite direction. I have also hinted that there are other directions in which we may look for factors favorable to democratic attitudes. What has just been said in the preceding paragraph is pertinent here. I should like to move on from that to a consideration of conditions that underlie and tend to the development of that "concern for the general welfare" which I listed as a democratic prerequisite. (While Griffith does not use this phrase, what he says about "active and constructive participation in community life," about the "obligation of economic groups to serve society," and about "attitudes assuring that passions will be channeled into constructive ends"—also described as "conditioned humanitarianism"—might be brought under this general heading.)

It is interesting and perhaps instructive to note how we begin to inculcate a concern for the welfare of others in small children. Long before they are able to grasp the concept of God we make substantial progress in drawing out their altruistic side. We build on sympathy. We appeal to a sense of fairness. One need not spell out the well-known stages and devices by which Johnnie comes to care for baby sister's welfare. In short, under favorable circumstances, where a loving and cooperative family unit is not distorted by the harshness of the struggle with nature or against human marauders, such a concern seems to develop quite naturally.

The qualifications just noted, however, are important. Self-preservation is indeed the primal instinct. When all of peoples' energies are absorbed in the struggle to keep alive, the personality is stunted. Sympathy is restricted. Altruism has no opportunity to grow. Man's concern for himself blocks out all else and his development is checked short of that social being which it is his nature to become. It has sometimes been argued that democracy is the tender flower of a prosperous economy; that only where the vicissitudes of the struggle against nature have already been met to the extent that there is an economy of abundance can democratic institutions flourish. Such a position is clearly an exaggeration. Not only is it over-drawn but the suggestion that democratic institutions cannot cope with adversity is ill-founded. However, I believe it to be true that the democratic attitudes mature only where men have attained some margin above the bare subsistence level. Aristotle was wrong in arguing that only a man of leisure could be a good citizen; but he would have been right if he had said that some leisure and some opportunities for inviting the soul were essential to the development of the political (and democratic) virtues.

I have allowed myself to be diverted from the main line of my argument. While I would stress the importance of an "economic margin" for the development of attitudes favorable to democracy—and especially I would urge the disqualifying effects of extreme poverty—it would be far from my point to urge any one-to-one correlation between prosperity and democracy. It is even possible that too much prosperity may be unfavorable to democratic attitudes. What I am contending is that "conditioned humanitarianism" grows naturally out of a situation where individuals have time and opportunity for forming free and relatively permanent associations in many types of groups, ranging from the family up. Some will be professional and vocational, others will be of the "service" variety. Some will have neighborhood or other geographical bases, while many will unite individuals from different areas. Certainly one of the most important forms of voluntary association will be the church; and the political scientist will recognize that it contributes to the development of democratic value systems as much by provision of opportunities for satisfying and dedicated group activities as by its teachings.

Cities have historically been the birthplaces of democracy—a fact frequently overlooked in romanticized discussions of rural living—but it is true that the modern metropolis often tends to destroy the sociological foundations of a healthy community. We have here one of the points at which it is possible to attack the problem under discussion. Decentralization of industry and many other aspects of city and community planning are subject to our control. We have within our grasp the means for altering the conditions that produce the uprooted, "lost" individual, a problem brought forcibly to our attention by John Dewey long before it became a focus of attention of sociology and social psychology. What Dewey failed to stress is now fortunately generally acknowledged in this country: namely, that the individual cannot safely find himself in commitment to any single organization, loyalty, or enthusiasm. His quest for community and his sense of belonging must be satisfied pluralistically in order both to do justice to the varieties of personality and to prevent the formation of totalitarian sentiments and organization. The human psyche must not be starved; but if all souls are fed at the same table the din will be deafening. To shift to the currently popular figure, the problem of satisfying the sense of belonging in a constructive fashion may be likened to the building of an atomic pile. Fission taking place in relative isolation is sterile, but concentration of radiation beyond a certain critical point produces an explosion.

III

In conclusion, let me say that I have conceived it to be my role in this symposium to develop a somewhat different point of view from that set forth in Griffith's opening statement. In doing so I may have given the impression of a wider divergence of opinion than actually exists. As he remarks, in large measure the varying points of view of the contributors to this symposium are complementary. Most of our differences are matters of emphasis. Plamenatz, for instance, questions my inclusion of "tolerance" among democratic prerequisites; but intolerance, he admits, "can be fatal to democracy." I would not contend for more. But I am glad I gave him the opening to make his very wise remarks on this subject. I might take slight issue with some of what he says about public confidence. I think he overdoes the generality of public confidence that has been commanded by such democratic leaders as Hoover, Roosevelt, Attlee, or Truman. Like Griffith, I would place more emphasis on confidence in the system than on confidence in particular leaders. But I suspect there is no important difference of opinion between us here. With Griffith, too, my differences are largely matters of emphasis. Where he stresses religious faith as a means of reinforcing democratic attitudes, I would incline to give priority to familial, social, and economic *mores*, institutions, and conditions that favor the healthy development of "the essence of man."

J. ROLAND PENNOCK.

TOWARD A MODEL STATE PRESIDENTIAL PRIMARY LAW

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Since 1948, there has been a marked revival of interest in the presidential primary.[1] In all probability this has come about because of the cleavage between the bulk of the regular Republican leadership, most of whom favored Taft, and the rank and file of the Republican party, who, together with many independent voters, favored Eisenhower. Concurrently, in the Democratic party there was in 1952 a "free convention" for the first time since 1932. As a result, there was revived interest in the presidential primary, and in the system of selecting delegates to the national nominating conventions, during the preconvention campaigns of 1952. Since the untimely heart attack suffered by President Dwight D. Eisenhower in 1955, interest in the nominating process for the presidential candidates of the major parties is again at a high point. This article, after reviewing briefly recent developments with respect to presidential primaries, discusses in some detail the legislation enacted in 1955 by the state of Florida.

I

During the period of the 1952 contest, interest in the presidential primary was expressed in four ways. In the first place, Eisenhower's decisive show of strength in primary contests in New Hampshire, Minnesota, and New Jersey drew public attention to the contrast between the preference primary and the methods of delegate selection in other states. Texas is a prime example of the manipulations that characterized the worst use of the convention system.

In the second place, proposals for a nationwide system of presidential preferential primaries were introduced in Congress. These proposals received more attention in 1952 than had been given the issue for a number of years.[2] Two different systems were suggested. One, advocated by Senator George Smathers,[3] called for a constitutional amendment to abolish the national party nominating conventions and replace them with two primaries in each major political party. The first primary was to be held on the first Tuesday after the first Monday in June of each presidential election year; the second primary was to be held on the first Monday in August of that same year. The computation of votes in each party was to be based on the proportion of the votes received by each candidate in every state. The second primary was to be held only if no candidate received an absolute majority in the first primary, and was to be limited to the two candidates receiving the highest vote. As an alternative to this procedure, Senator Smathers proposed another constitutional amendment[4] which was less detailed and simply specified that Congress should enact appropriate legislation to provide for the presidential nominations "in a simultaneous, nationwide individual party primary."

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[1] The term presidential primary is used in this article to describe what are actually three different systems. First, there is the preferential primary, in which presidential aspirants are listed and the voters in the primary choose between them. Second, there is the primary for electing delegates to the national convention. A third system, favored by the authors, provides for a combination system in which the voters select among delegate slates pledged to particular candidates. This inclusive definition follows Charles Merriam and Louise Overacker, *Primary Elections* (Chicago, 1928), p. 141. See also Louise Overacker, *The Presidential Primary* (New York, 1926).

[2] For earlier proposals see S. 1726, 72nd Cong., 1st sess., Dec. 14, 1931, *Congressional Record*, Vol. 75, p. 443; and George W. Norris, *Fighting Liberal* (New York, 1945), p. 336. The first major reference in Congress to such legislation was in the 61st Congress. Speech of Sen. Jonathan Bourne (R) of Oregon, 61st Cong., 3rd sess., Feb. 27, 1911, *Congressional Record*, Vol. 46, p. 3550. Reference was to the Oregon state law.

A less elaborate procedure which retained the national convention was proposed in a bill sponsored by Senator Paul Douglas of Illinois and Representative Charles Bennett of Florida.[5] This measure provided for compensating each state which conducted a presidential preferential primary with an amount of money equal to the cost of the primary. An appropriation of $10,000,000 was authorized for this purpose. Only parties which polled 10,000,000 or more popular votes in the election of 1948 were to participate in these primaries. Obviously, this would restrict the primaries to the Republican and Democratic parties. This bill and the Smathers proposals have been analyzed in Paul T. David, *et al.*, *Presidential Nominating Politics in 1952; the National Story*,[6] and will not be further considered here.

The Douglas-Bennett bill did not eliminate the national nominating convention. Moreover, it left the choice of delegates to be determined by individual states or the rules of the parties themselves. In 1953 the Douglas-Bennett bill was revised and introduced in the 83rd Congress.[7] After further study, still another version of the bill has been introduced in the current Congress.[8] This proposes a bipartisan commission of five appointed by the President. This commission is to receive from participating states a statement of the provision under which the states will hold primaries. It will certify dates for participation in the primaries if they conform to the general provision of the national legislation outlined below.

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[3] S.J.R. 125, 82nd Cong., 2nd sess., Jan. 20, 1952.

[4] S.J.R. 145, 82nd Cong., 2nd sess., March 25, 1952.

[5] H.R. 8374, 82nd Cong., 2nd sess., June 26, 1952; S. 2570, 82nd Cong., 2nd sess.; *Cf. Hearing before the Subcommittee on Rules of the Committee on Rules and Administration, U.S. Senate, 82nd Cong., 2nd Sess., on S. 2570* (March 28, 1952, G.P.O., 1952).

[6] (Baltimore, 1954), pp. 194–224.

[7] H.R. 96, 83rd Cong. 1st sess., Jan. 3, 1953, *Congressional Record*, Vol. 99, pp. 55–56; also S. 1049, 83rd Cong., 1st sess., Feb. 20, 1953, *Congressional Record*, Vol. 99, p. 1294.

[8] H.R. 2532, 84th Cong., 1st sess., Jan. 20, 1955, *Congressional Record*, Vol. 101, p. 417. S. 652, 84th Cong., 1st sess., Jan. 20, 1955, *Congressional Record*, Vol. 101, p. 441, and "analysis," *ibid.*, pp. 445–46.

Candidates shall be eligible to participate if they are certified to the commission by petitions containing at least 1,000 signatures from each state participating, if no more than four states participate. If more than four states participate, petitions containing at least 1,000 signatures for each candidate must be submitted from at least 75 per cent of the participating states. Petitions are received until March 1 and a candidate who does not withdraw by March 20 is then certified to the states. A candidate may be listed in only one party primary, and voter participation is restricted to the party in which the voter is registered (the closed primary). The primary must be held between April 1 and July 31. State law must pledge the delegates selected to the party national convention to vote for the winning candidate of that party on the first ballot. The proposed statute does not fix the method for selecting delegates. However, it binds the delegates to the candidate to whom they are pledged so long as he does not withdraw and so long as he received at least 10 per cent of the vote on the first ballot, 20 per cent on the third ballot, and 30 per cent or more on the fifth ballot. Each state holding such a primary shall receive from federal funds 20 cents for each vote cast in the primary.

The Douglas-Bennett Bill has thus been revised, but the aim at a national system of presidential preferential primaries remains the same. The primary is designed to supplement but not to supplant the national convention. The bill also seeks, by providing for the closed primary, to meet the criticism that it would weaken party discipline. The bill has been further refined in attempting to avoid a convention deadlock by liberalizing the provisions for pledging delegates. As the convention advances, a larger proportion of the vote must be polled or the delegates are released from their pledges.[9] This attitude of reconciling the primary with party machinery is typical of most present-day proponents of the presidential preferential primary. Such an attitude is in contrast with earlier proposals of the Progressive Era, which showed little or no such concern.[10]

A third manifestation of interest in the presidential primary in 1952 was the American Political Science Association project for the study of the nominating process in the two major national parties. The enthusiasm of Association members, together with the financial assistance of the Stern Family Fund, resulted in a complete study of the pre-convention process in all states, and of the nominating conventions themselves. After two years of intensive work, the separate state studies were published in four volumes; the editors of these volumes, Paul T. David, Malcolm Moos, and Ralph M. Goldman, wrote a summary volume, *Presidential Nominating Politics in 1952: The National Story.*

The fourth major development was the increase in voter participation in presidential preferential primaries, the enactment of improved laws, and the addition of new states to the list of those having primaries. In 1948 only 3,622,117 votes were cast in presidential preferential primaries.[11] In 1952 the number of votes cast in such primaries rose to 10,735,122 (see Table I) in the 14 states in which there were opposed candidates. In addition, there were elections for delegate slates in the primaries of other states, but these contests were not of great significance.[12]

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[9] Paul H. Douglas, "Conventions and the Popular Will," *New Republic*, Vol. 132, pp. 11–15, May 28, 1955.

[10] The same may be said for most political scientists. See the American Political Science Association Report, "Toward a More Responsible Two Party System," this REVIEW, Vol. 44 (Sept., 1950), Supplement; also Malcolm Moos, "New Light on the Nominating Process," in *Research Frontiers in Politics and Government* (Washington, 1955), pp. 135–67.

Of additional importance are the redrafting and improvement of state primary laws and the adoption of the presidential preference primary by certain states and by Congress for the District of Columbia. Between 1948 and 1952 there were important changes in state laws. These included adoption of the new Minnesota statute and important revision in the state laws for the presidential primaries in Wisconsin, New Hampshire, and Nebraska.[13] In the period 1952–54 there have been other changes in state laws and 1955 saw Congress grant a type of franchise to the District of Columbia for the first time.[14] A general

TABLE I. PRESIDENTIAL PREFERENCE PRIMARIES: POPULAR VOTES, 1952*

State	Popular Votes	State	Popular Votes
California	2,954,791	New Hampshire	136,159
Florida	653,333[a]	New Jersey	800,862
Illinois	1,872,435	Oregon	392,024
Maryland	154,269	Pennsylvania	1,290,618
Massachusetts	434,922	South Dakota	162,150
Minnesota	418,789	West Virginia	128,026
Nebraska	318,590	Wisconsin	1,018,149
Total			10,735,122

* Data from *Congressional Record,* 82nd Cong., 1st sess., July 3, 1952, Vol. 98, p. 9082.
[a] Democrats only.

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[11] See *Congressional Record,* July 3, 1952, Vol. 98, p. 9082 for tabulation; as to the number of states holding primaries, a check was made with David, *et al., Presidential Nominating Politics in 1952,* especially *The National Story,* pp. 173 ff. For changes, statutes of all 48 states were checked through 1954. Except for the Florida developments and those in the District of Columbia, 1954 is the end of the period for which legislation in the separate states is considered in this article. Legal supplements and other data for the 1955 legislatures were not available when this article was being written.

[12] *Congressional Record,* Apr. 9, 1952, Vol. 98, p. A 2720; Roma K. McNickle, "Presidential Primaries, 1952" in *Editorial Research Reports,* Vol. 1, p. 46 (1952). Also Paul T. David, *et al., op. cit.,* chapters on Ohio, Alabama, New York.

[13] David, *et al.,* chapters on the states mentioned. Nebraska added in 1951 an amendment which required the consent of the candidate, which changed a traditional feature of her system that was known as the "all star contest." Vol. 4, p. 286.

[14] A different version of this bill was adopted in 1954 but vetoed by the President because of interference with principles of the Hatch Act in one clause. For the 1955 Act, see *Congressional Record,* 84th Cong., 1st sess., July 12, 1955, pp. 8839–41, for amended version and for Senate action. This became Public Law 376, 84th Cong., approved Aug. 12, 1955.

primary law was enacted which provided for election of party officials for the District in the two major parties. This provided as well for a presidential preferential primary among candidates who (1) are certified by the party committee; and (2) consent to having their names on the ballot. This law marks the first enactment of presidential primary legislation by Congress.

Changes in state laws between 1952 and 1954 show that New Jersey enacted a few unimportant changes and three states, Indiana, Montana, and Nevada, adopted presidential primary statutes in 1953. The Nevada statute, however, was repealed in 1955. Montana provided in 1953 for election of pledged delegates in the primary, but the 1955 Montana legislature modified this to provide for selection of delegates by a state convention. A presidential preferential primary is required, however, with the delegates to remain pledged to the candidate winning the primary unless he shall release the delegates, or unless his vote drops below 20 per cent of the total vote received in the convention.[16]

The Indiana act simply provides for listing the candidates for president on the primary ballot and having the voter mark his choice. Delegates who are selected by the state convention are required to take an oath to vote on the first ballot for the presidential candidate winning the state-wide party primary. District delegates are similarly bound to the winner of the district primary. The addition of Indiana and Montana as presidential primary states raises the number having names of delegates or candidates for the presidency on the primary ballot from 17 in 1952 to 19 authorized by mid-1955. In addition, Arkansas and Georgia have optional statutes seldom or never used. But it should be noted that this total number of states is lower than the peak around 1916 when half the states had the primary in operation. Then a decline set in. It is the position of the present writers, following V. O. Key, Jr., that the misconceptions about the primary, faulty laws establishing such a primary, and faulty ballot procedures did not permit a valid test of the presidential primary.[17] Consequently, analysis of proper principles for such a primary and construction of a proper ballot are of importance.

II

The recent enactment of a new ballot form for the Florida presidential preferential primary was preceded by careful analysis of these factors. At the same time considerable attention was given to the encouragement of a two-party system within the framework of the proposed law. Some attention had to be given to the background of existing legislation. Consequently, these factors

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[15] For 1953 acts see Title 19–31, *New Jersey Statutes Annotated, 1954 Supp.; Annotated Indiana Statutes, 1953 Supp.*, Title 29–3619, giving Ch. 193 of *1953 Acts.;* Ch. 214, *Laws, Resolutions . . . by the 33rd Legislative Assembly* [of Montana], 1953; Ch. 299, *Statutes of Nevada passed at the 46th Session of the Legislative Assembly.*

[16] For changes in Nevada in 1955 see Ch. 304, *Statutes of Nevada*, 1955 and for changes in Montana, Sec. 29–909 (639), Sec. 23–1006 (673.6) *1956 Supp. to Election Laws of Montana.*

[17] *Politics, Parties and Pressure Groups*, 2nd ed. (New York, 1947), p. 392.

necessitate the tracing of a story which considers the background, an analysis of the principles, and the ultimate ballot and law.

The Florida law on primary elections has been modified by almost every session of the legislature since the primary was first authorized in 1901.[18] The original 1901 act was typical of those acts of the Progressive Era which regulated the holding of primaries. It empowered a state party executive committee, congressional district party committee, or county committee, to hold a primary election for the choice of any party nominee. Under this permissive act the first state-wide primaries were held in 1902. Then, in 1904, the state committee of the Democratic party called a primary election on May 10 of that year. The 1904 primary provided for the election of delegates to the Democratic National Convention, four from the state-at-large and the remainder from congressional districts.[19] It should be noted that this election of the Florida delegates to the Democratic National Convention is four years earlier than any previously noted presidential preferential primaries.[20]

The Florida primary in 1913[21] was made mandatory for the Democratic party for all candidates for elective offices, and made permissive for all party offices, including delegates to the nominating convention. The state executive committee was empowered to set up a form of ballot for party offices and determine which party officers should be chosen in the primary. Subsequently, in 1915, the nomination of delegates to the national convention was made mandatory in the primary.[22] This provision, with various changes, has remained a part of the law to the present. Until 1955 none of these features were mandatory upon the minority party. In addition to the election of delegates in the primary, the state party committee was empowered by this early legislation to provide for listing the leading candidates for president and vice-president on the primary ballot. The earliest date for which there was a separate vote for these candidates was in the primary of 1912 when Oscar W. Underwood and Woodrow Wilson were listed.[23] Since 1943 the power of the state committee to provide for a specific listing of presidential candidates on the primary ballot has been required by statute.[24]

Finally, since 1945, candidates for delegates to the national convention may list after their names their choice for a presidential nominee. The act also provides for those delegates running unpledged to be carried as unpledged on the ballot.[25] This resulted in an extremely complicated situation in the 1952 Democratic primary. At the time of the first primary the names of Estes Kefauver and Richard Russell appeared on the ballot. Then in the second primary in May the names of the delegates appeared. However, there were further complications in 1952 because three competing slates, all pledged for Russell, appeared on the ballot for the second primary. Since the delegates were listed in alphabetical order, this produced a very long ballot and one which was definitely confusing. It resulted, moreover, in splitting the Russell vote so that Kefauver received more delegates than would otherwise have been the case. Among statewide delegates, there were eight to be elected. Sixty-one per cent of the vote was cast for Russell but only five of the eight delegate vacancies went to the Russell candidates.[26] All this created an atmosphere in which the Florida legislature was quite receptive to a clarification of the ballot.

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[18] Ch. 5014, *Acts of Florida*, 1901.

[19] Jacksonville, *Florida Times Union*, May 1, 1904, p. 15, cols. 1–2; May 10, 1904, p. 3, cols. 4–5; May 22, 1904, p. 2, cols. 1–5.

[20] See Overacker, *The Presidential Primary*, which considers early statutes and lists the Wisconsin law of 1905 and the Oregon law of 1910, and Merriam and Overacker, *Primary Elections*, p. 141.

[21] Ch. 6469, *Laws of Florida*, 1913.

[22] Ch. 6874, *Laws of Florida*, 1915.

[23] Jacksonville, *Florida Times Union*, May 10, 1912, p. 13, cols. 1–2, p. 17, cols. 1–2.

[24] Ch. 22058, *Laws of Florida*, 1943.

[25] Ch. 22729, *Laws of Florida*, 1945.

There was another factor which produced a legislative atmosphere favorable to the adoption of an improved system. The present governor of Florida, LeRoy Collins, campaigning in 1954 for the two-year vacancy created by the death of the previous governor, had made "improvement of campaign laws" a plank of his platform. He was generally concerned with clarification of the ballot but more concerned with the reduction of the campaign period and the reduction in campaign expenditures. Recommendations to accomplish this were made in the governor's message at the opening of the legislature on April 5th.[27] A final factor which produced a favorable atmosphere for the improvement of the presidential preferential primary in Florida was the general desire of many officials of both parties to improve election laws and to recognize the two-party situation existing in many parts of the state. In 1952 Eisenhower carried the state. Then, in the 1954 elections to the United States House of Representatives, a Republican, W. C. Cramer, was elected from the district which includes St. Petersburg and Tampa. In other areas of South Florida some Republican county officials were elected. All of this called for a rejuvenation of both Democratic and Republican campaign machinery.

Late in 1954, four independent moves were made toward redrafting the election code. Governor LeRoy Collins appointed a Citizens Committee, headed by former State Senator Henry Baynard of St. Petersburg, Florida, to work on certain phases of the law. The Democratic State Committee, headed by James Milligan of Orlando, Florida, proposed legislation to strengthen the loyalty oath for both candidates and voters within the closed Florida primary system. The committee also wished to improve party finances by asking for a law which would transfer the filing fees required of all candidates from the state treasury to the party committees. It had a complete program supported by a lobby representative throughout the legislative session. W. A. F. Stephenson, Chairman of the Democratic Executive Committee for Pinellas County (St. Petersburg and Clearwater), began an independent move to redraft the code with special emphasis on adapting to the two-party situation in central and South Florida. Finally, members of the minority faction of the Republican party wanted the Republican primary of 1956 to include the choice of delegates to the national convention. The Alexander majority faction of the Republicans also was willing for the Republican delegates to the 1956 convention to be elected. The Republicans held six of the 95 seats in the Florida House of Representatives and one of the 38 seats in the Florida Senate. Their strength in voting was therefore of no importance, but both the regular Democratic organization and the minority Republicans were mutually interested in encouraging the registration of voters under the respective party labels. Under the closed primary system, this would assure elimination of many voters from the Democratic primary with an increase in the Republican registration.

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[26] Manning J. Dauer, *et al.*, "Florida" in David, *et al.*, *op. cit.* Vol. 3, p. 137.

[27] Jacksonville, *Florida Times Union*, April 6, 1955, p. 1.

While other phases of the election code received the attention of different groups, the initial move to modernize the presidential preferential primary section of the election code was made by William Stephenson. In January, 1955, he wrote to Paul T. David requesting David's advice on the redrafting of the Florida primary law. David replied on January 24, 1955 outlining in a four-page memorandum "Proposed Specifications for a Presidential Primary System in Florida." David also wrote to the author of this article and by agreement with Stephenson, Dauer, and Professor Bruce B. Mason, also of the Department of Political Science of the University of Florida, undertook to draft the proposed changes in this section in the Florida law.[28] Mason and Dauer then studied the existing Florida law, the David proposal, the January, 1955 memorandum by Richard Childs of the National Municipal League,[29] and the South Dakota law, which was deemed to have the best ballot arrangement. Before the final version was ready for the legislature, several conferences were held with Stephenson and there was also an interchange of correspondence by David with Professors Louise Overacker, Arthur N. Holcombe, and Joseph P. Harris. The final draft of the law met with the general approval of all those named, except that Mr. Richard Childs, while approving the law in part, remained committed to certain different proposals.

III

In the opinion of the senior author, the object of a presidential preferential primary should be to permit the expression of a popular choice in each state. However, the preference primary should be incorporated within the framework of existing party structure. This calls for the continuation of the national nominating convention, and the election of delegate slates favorable to the candidate named in the preference primary. Finally, the delegates at the convention should be loyal to the candidate, but should be free to compromise or change as the convention develops.

It is also desirable that the presidential preferential primary not lead to the long ballot. This led Paul T. David to state:

> The basic proposal is for the type of system in which the voter is required to make only one choice and one mark in order to vote the presidential primary ballot. The voter would

[28] *Florida Statutes Annotated*, Sec. 103.101.

[29] "Outline of a Model State Primary Law" (mimeographed).

choose among slates of delegates. But the specifications that follow could be expected to give the voter in each party a frequent choice between candidates for the presidential nomination as an aspect of his choosing between groups of candidates for delegate. In its basic structure, the proposed system contemplates and assumes that occasionally there may be a desirable candidate for President who is unwilling to campaign openly for the nomination, and who may have to be drafted if he is to be nominated at all.[30]

The specific proposals of David to carry out these principles are as follows:

1. The presidential primary would be a closed primary; voters would be allowed to vote only the ballot of the political party in which they are registered.
2. The ballot would carry organized slates of delegates; a would-be delegate would be allowed to run for election not as an individual, but only as a part of an organized slate that includes a full list of candidates for delegate-at-large, together with a full quota of district delegates in at least half of the congressional districts of the state.
3. Delegates-at-large would be elected on the basis of the state-wide vote; district delegates on the basis of the vote in their respective districts.
4. In each congressional district, the ballot would carry only the portions of the slates to be voted on in that district: the candidates for delegate-at-large and for district delegates for that congressional district.
5. Organized slates that prefer a particular individual for the presidential nomination would be allowed to indicate their preference on the ballot, in a position prominently associated with the box or circle in which the voter places his mark. The consent of the potential nominee would not be required for the inclusion of such expression of preference on the ballot.
6. If two or more slates are filed in support of the same candidate, he would be given an opportunity to choose the one to appear on the ballot. If he declined the making of a choice, the first slate filed would be placed on the ballot.
7. Delegates would not be required to execute any formal pledge of support for the candidate they favor, the moral commitment implied in association on the ballot being deemed sufficient if the candidate proves to be available.
8. The ballot would carry organized slates running on a "no preference" basis where such slates are offered.
9. If two or more "no preference" slates meet the filing requirements in a presidential primary of the same party, all would appear on the ballot.
10. In each slate of delegates carried on the ballot, the individual to serve as delegation chairman should be clearly indicated and he should head the list of candidates for delegate-at-large.
11. Members of each slate accepted for the ballot should be required to file a public statement of not more than 1000 words in which they set forth so far as possible the position they propose to take on known issues that will come before the national convention and on which it is expected that the convention will be divided.
12. There would be no provision for a separate presidential preference poll

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[30] David's "proposals," Jan., 1955. In preparing his "Proposed Specifications," David drew on research at the Brookings Institution, financed by a grant from The John Randolph Haynes and Dora Haynes Foundation of Los Angeles, as well as on the earlier work for The American Political Science Association.

in which the voters would vote on candidates for the presidential nomination, as distinguished from slates of delegates supporting a particular candidate.

The David proposals were all incorporated in the Florida law except for point 11. The main differences between the general principles of Richard Childs and the David proposals were: first, no direct effort was made to include Childs' suggestion that there be a form of proportional representation. This was contrary to the experience in Florida and would not have been deemed acceptable. On the other hand, it was equally certain that a single vote for all the delegates, electing them from the state at large, would not be acceptable. Consequently, David's point 3, that "delegates-at-large would be elected on the basis of the state-wide vote; district delegates on the basis of the vote in their respective districts," was deemed to accomplish both what was feasible in this direction and what would reflect the voters' opinion in instances where the minority might be concentrated in one or more congressional districts. At the same time this was accomplished without the need for further marking on the ballot by the provision of the Florida Law, Sec. 101.180, *Florida Statutes Annotated*, and Sec. 103.101, sub-section 7, which simply specifies that a vote on the ballot shall be counted separately for the state-at-large delegates and within each congressional district. (See Figure 1.)

Candidates Preferring JOHN GREEN for President	Candidates Preferring JAMES BROWN for President	Candidates Expressing No Preference
○	○	○
Delegates-at-Large	Delegates-at-Large	Delegates-at-Large
Organizing Chairman Sam White	Organizing Chairman Robert Gray	Organizing Chairman John Williams
John Jones Belle Brooks	Charles Smith Hildred Casey	Peter Kyne Wilbur Collins
District Delegates John Doe Mary Roe	District Delegates William Jones Peter Sands	District Delegates Tom Burt Susie Brown

FIG. 1. Florida Presidential Primary Ballot.

One other feature, found both in the South Dakota law and in the Childs proposal, was rejected: requiring a candidate's approval before his name be put on the ballot. It was believed to be desirable, both by David and in Florida practice, that the Florida law should not require approval of candidates for president before delegates pledged to him might file. On the other hand, if the presidential candidate does take an active interest in the delegates, the Secretary of State is directed to enter on the ballot only the slate approved by the candidate. In case he does not indicate a choice of delegates and more than one slate files for him, only the first slate which files with the Secretary of State shall appear on the ballot. In subsequent discussion with the Election Committees of the Florida House and Senate, the only objection raised to this feature was by Representative Fred C. Peterson, Republican, of Pinellas. He pointed out that this would discriminate against the minority faction of the Republican party, of which he was a member, when his party was in power nationally. If the national party recognized only the state organization as the official representative of the administration, a delegate who might win in a congressional district could be omitted from the official party slate.

In accord with Florida practice, the law (*Florida Statutes Annotated*, Sec. 103.101) provides that half the delegation shall be men, and half women. It also provides that each delegate shall select his or her own alternate. Finally, it provides for filling vacancies in district delegates (in case a slate carries the district, but its list is incomplete in that district) by action of the state-at-large delegation, if that group is elected which also is pledged to the same presidential candidate.

No attempt was made in Florida to pledge the delegates for a given number of ballots. The assumption was that in the average case those delegates who appear on the ballot will have the approval of the candidate for president and will have a point of view sufficiently favorable to him that they will remain loyal as long as there is any practical chance of the convention nominating the candidate. David's own view is that the delegates and the convention should be allowed reasonable freedom of action. He states: "I would be inclined to emphasize the desirability of leaving the delegate in a position to represent his constituents in accordance with his best judgment after having informed them of the preference by which he intends to be guided, particularly since the delegate does not receive any pledge that his preferred candidate will in fact be available. My view is that most delegates who are formally pledged stay frozen too long rather than not long enough, in terms of the major interests of their own constituents. However, we expect to have additional data on this after we complete studies currently in process."[31]

IV

Stephenson had worked for five months in the winter of 1954–55 on the proposed revision of the election code. He also did considerable spade-work prior to the convening of the legislature in April to secure support for the proposals, including the presidential preferential primary section. He explained the legislation to the officials of the State Democratic Executive Committee, who agreed to adopt an attitude of benevolent neutrality. To have taken a positive stand would have required a vote of the entire state committee; this was not considered feasible. In Florida, those officials most concerned with the election machinery are the county supervisors of registration, who are elected in each county. Stephenson appeared before their state organization at their annual meeting and explained the proposed changes. This was an important group to consider because they maintain a lobby of at least three members who attend all meetings of the Elections Committees during the session of the legislature and also have contact with the other organizations of county officials. The author also studied the provisions of the general bill and participated in their presentation to other groups.

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[31] David to Dauer, Aug. 3, 1955.

Further work was done by Stephenson with the Speaker of the Florida House, Ted David, of Ft. Lauderdale, H. T. Cook, Chairman of the House Elections Committee, and Farris Bryant, retiring Speaker and powerful House leader. All subsequently supported the legislation strongly. This was possible prior to the session, because the Florida legislature is organized as a continuous body, although it meets only biennially. The Speaker for the next session is nominated by the Democratic caucus of the House at its meeting two years before the convening of the new legislature. This act is binding on newly-elected members of the legislature by custom. The Speaker-designate then names the committees which also work in the period between sessions.

The senior author of this article had been appointed to two of the Governor's Citizens Advisory Committees, Reapportionment and Constitutional Revision. This enabled him to clear the proposed legislation with the Governor and his legislative aides for the House and Senate respectively. The Governor expressed interest in the general revision but specified that his own program of cutting campaign costs should have priority in case of deadlock over some of the more sweeping changes, such as the change of primary date to the fall. The Governor gave permission to incorporate his own program in the general bill revising the election code.

One cross-current that appeared throughout the session was the continuing battle between the Democratic State Committee, which had campaigned for Adlai Stevenson and wanted to strengthen the loyalty pledge, and the National committeeman, Mr. Richard Barker, who had refused to campaign for Stevenson and who opposed strengthening the loyalty pledge.

A final complicating factor was the split in the Republican party. The dominant faction in the state is the Alexander-Spades faction, which controls the State Committee and represents the state on the Republican National Committee. In part its control depends on the existing composition of the State Committee, i.e., two members from each county. This constitutes a serious underrepresentation for the populous counties with a large Republican registration. Members of the opposing faction are anxious for a more representative State Committee. Also, this opposition faction has long stood for electing delegates to the national convention in the party primary. This division in the Republican delegation, however, affected the attitude of the Republicans on the election laws.

The main provisions of the proposed code, in addition to the presidential preference primary, were:

1. The bill incorporated a recommendation by the Governor, based on that of his own Citizens Committee, that the cost of campaigning be limited by prohibiting all campaigning before a first filing date and that the last filing date for candidates for state-wide offices be moved to 63 days before the first pri-

mary.[32] Prior to this first date it would not be possible to set up county campaign headquarters, distribute literature, and publish advertising.

2. Stephenson also proposed a change in primary dates from the regular primary dates in May. The first primary was to be held seven weeks before the general election in November, followed by the second primary four weeks before the general election. These provisions were combined with the Governor's recommendation as to the filing date. Coming from a two-party county, Pinellas, Stephenson felt this to be important in the interest of securing higher calibre candidates. Under existing law the primary campaign lasts from January to May, and is followed by the general election campaign. This takes too much time and results in many capable individuals, refusing to run for office.

3. The proposed change of primary dates from May to September would require the holding of a special primary—the presidential preference primary—every four years. The time for this was fixed at the third Tuesday in June. It was estimated that the cost of this primary every four years would be about $250,000.

4. In order to assure a primary for the Republican party, the percentage of vote required was reduced. Presidential primaries were now to be required for any party polling 10 per cent of the vote for governor in the last election; or any party having 10 per cent of the total number of registered voters.[33]

5. The composition of the State Executive Committee would affect the presidential preferential primary law in one particular case. This would occur when the national party in power recognized only the state executive committee. In such a case it would be important to make the state committee representative of population and not of counties, for under the proposed law the state committee would control the state delegate slate approved by a president running for re-election. It was also believed that a more representative state committee would be otherwise more effective. Accordingly, a section of the proposed law also changed the composition of the State Executive Committee by abolishing the system of two members (one man and one woman) from each county. Instead, the State Executive Committee was to have four members (two men and two women) from each congressional district, with a bonus of one additional man and one additional woman from each congressional district in which the party had 20,000 registered electors. An additional two members would be added for each additional 20,000 registered electors, provided that not more than eight men and eight women might be qualified from a single congressional district.

6. Other provisions of the law will not be considered in detail. In general they aimed at tightening up the law concerning campaign contributions, including an enforcement section.[34] Registration provisions were liberalized by

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[32] Subsequently enacted as Ch. 29,936, *Laws of Florida, 1955.*

[33] Subsequently enacted Ch. 29,947, *Laws of Florida, 1955.* Also *Florida Statutes Annotated,* 97.021 (6) (b) requires a party primary for nominees for all elective county, state, and national offices when a party registers over five per cent of the voters under its designation.

[34] Subsequently enacted as Ch. 29,936, *Laws of Florida, 1955;* for earlier provision, see

providing that registration books may be placed in precincts during certain periods.[35] The party circle type of ballot and party lever on the voting machine by county option was likewise proposed.[36] An alternative, to eliminate statewide the circle and single lever for all unopposed candidates in general elections, was adopted.

V

The senior author and Stephenson registered as lobbyists[37] and presented the entire program to the House Election Committee on April 6. The reception was favorable, both by the committee and by the press and public.[38] However, the bill was sufficiently complex that a number of sessions of the House Committee were devoted to consideration of it. The presidential preferential primary section (subsequently a separate bill as H.B. 1584, S.B. 1130) was never in question. The provisions designed to limit campaign costs were also unquestioned. Certain changes in registration procedures were approved. Finally, the sections increasing party funds by turning over to them the filing fees of candidates in the primaries were also approved.

On the other hand, opposition resulted in the elimination of:

1. Any strengthening of the party loyalty oath for candidates or voters.
2. The provision to make the state committees of the parties more representative of population.
3. The party column ballot.
4. The change of primary dates.[39]

Elston Roady, "Florida's New Campaign Expense Law, and the 1952 Democratic Gubernatorial Primaries," this REVIEW, Vol. 48, pp. 465–76, at pp. 465–66 (June, 1954).

[35] Subsequently enacted as Ch. 29,934, *Laws of Florida, 1955.*

[36] The omnibus law, H.B., 1204, was 62 double-space legal pages long. It was introduced on May 11, 1955 by H. T. Cook, chairman, and other members of the election committee in an effort to get something in print for public hearings. For summary see Florida Legislative Service, *Summaries of House Bills*, Tallahassee, May 11, 1955.

[37] The Florida law and Florida Senate Rules have no requirements for lobbyist registration. The Florida House Rules require such registration of all those who appear and testify before any House committee. The senior author appeared eight times before the committee; Stephenson appeared innumerable times and worked with the House Committee and the bill drafting section of the Attorney General's office continuously in Tallahassee for the last four weeks of the legislature. In addition, both worked with the Senate Committee headed by Senator J. C. Getzen, and the Senate sub-committee headed by Senator George Tapper. Among the House and Senate members who were delegates to the 1952 Democratic Convention there was strong support for the presidential primary bill. These included the Chairman of the Florida delegation, former House Speaker Farris Bryant, Rep. J. A. Boyd, and Senator John Rawls.

[38] For editorial comment see, for example, *Tampa Tribune*, April 8, 1955; Ft. Pierce, *News-Tribune*, April 8, 1955; Ocala *Star-Banner*, April 17, 1955; and feature article in *St. Petersburg Times*, June 13, 14, 15, 1955.

[39] This provision backfired. At one stage there was favorable report on Florida HJR 260 to shorten the campaign by moving all general *elections* except the vote for President to the third Tuesday in June, retaining the primary dates in May. This constitutional amendment was dropped when it was found to be contrary to federal law covering the election of senators and representatives in Congress.

5. The prohibition against party officers serving as paid polls officials or as deputy sheriffs on election day.

Once these sections were stricken from the omnibus bill, Stephenson reassembled it over a weekend as six different bills, which were introduced in the House and Senate on May 24, 1955, ten days before the end of the session.[40] The Senate passed the bills on May 30, 31, and June 1. The Presidential Primary Bill, S.B. 1130, was adopted by a vote of 34–2. In the House all bills were passed on the night of June 2. One amendment to S.B. 1130 to strike sub-sections (2) and (3) was proposed by Republican Representative Fred Petersen but was overwhelmed. Thereupon the bill passed by a vote of 77–2, with the Republican vote divided between the YEAS and NAYS.[41] The House accepted without question the assurance of its Elections Committee Chairman, H. T. Cook, a representative of 20 years' experience, without whose quiet and powerful assistance the legislation could not have passed. The Governor signed the presidential primary bill on June 18 and the other bills on June 20.[42] The State Committee's program died on the calendar, by understanding within the House Elections Committee, since all its provisions except the candidate and voter loyalty pledges had been incorporated into the six bills.

VI

Since enactment of the Florida presidential preferential primary law, national reaction has been generally favorable. In the *New York Times*, Arthur Krock considered the law ". . . a great improvement over any other now in effect." He also pointed out that "Florida's new law is derived from a five-volume study which the Brookings Institution made for the American Political Science Association."[43] In this last statement, there is a certain degree of elipsis.

Senator Paul Douglas in a letter to W. F. Stephenson said:

> " . . . It is easily the best presidential primary bill in the United States and should serve as a model. I suppose that the absence of a formal pledge to stick by the candidates approved in the primary will not be a serious detriment in Florida, although I think in some states it distinctly might be. The same issue came up about 1912 in some states in the election of Senators by the State Legislatures, and as to how binding a popular and advisory vote was to be. . . . "[44]

Congressman Charles Bennett has also stated:

> "The Florida legislature recently took a forward step in the art of democratic government. It enacted an improved presidential primary statute which pioneers in a number of re-

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[40] See *Florida Senate Journal*, May 24,1953. The bills were: S.B. 1130 (H.B. 1584 companion bill), presidential preferential primary; S.B. 1131 (H.B. 1591) registration procedures; S.B. 1132 (H.B. 1588), filing fees to state committees; S.B. 1133 (H.B. 1589) campaign expenditures and contributions; S.B. 1134 (H.B. 1590) changes in primary and general election ballot forms; S.B. 1157 (H.B. 1587), filling vacancies in party nominations. For summary see Florida, Attorney General, *Summary of Election Law Changes Made by 1955 Legislature* (Tallahassee, June, 1955).

[41] Florida *Senate Journal, 1955*, May 30, 1955, p. 1190; Florida *House Journal, 1955*, June 2, 1955, p. 1955.

[42] Telegram, Governor LeRoy Collins to Dauer, June 21, 1955.

[43] July 8, 1955, p. 22, col. 5.

[44] Douglas to Stephenson, July 11, 1955.

spects. This statute may be the model for similar statutes in other States which share Florida's objective of giving the American people more voice in the nomination of candidates for President and Vice President."[45]

Governor Leroy Collins, in a statement on July 27 to the meeting of the National Municipal League, thanked Paul David and Richard S. Childs for their aid and stated that if the experience of Florida is favorable, he hopes that the law may be useful to other states.[46] At present the Florida law is also under consideration as a model law before the Subcommittee on Elections of the Drafting Committee of the Council of State Governments.[47] Finally, as to potential use of the law, while the filing date for candidates for the 1956 primaries does not close until noon March 6, contests between opposing delegate slates are developing in both major party primaries. Stevenson and Kefauver have begun campaigning in Florida in the Democratic primary, and there has been discussion that a conservative Democratic slate might also be entered. In preparation for the Republican primary Senator Knowland has appeared in the state, while the party's state committee has announced the entry of a slate of delegates pledged to Eisenhower.

Both Senator Douglas and Congressman Bennett continue to criticize the system of separate state primaries, however. Douglas also still feels that the pledging of delegates by law is important. Both he and Bennett desire the uniformity among states which their law would encourage. Bennett likewise believes that: "Without . . . Federal legislation, each candidate would continue to enter the primaries of the states in which his chances of success would be best."[48] No law of a single state can, of course, assure the uniformity desired by Douglas and Bennett. However, Senator Douglas' objections concerning the pledging of delegates do not seem very serious. An active presidential candidate, who has an organization in a state, would find it more advantageous to have selected a slate than to have a pledged slate which he does not select.

There is, finally, the traditional objection that the presidential primary weakens the party organization in a state. The answer to this objection is that the Florida law does provide for the closed primary. It should help to draw lines between the parties by assuring the Republicans of an additional reason for registering in the Republican party. They may expect to have more real contests in their primaries. Moreover, the law assumes that the choice of presidential nominees is a matter of vital concern to the party members as a whole. Furthermore, the Florida preference primary continues to operate within the framework of the national conventions. It assumes that conventions will be more representative and can therefore make the strongest choice for the party leadership. If the preference primary enables the convention to make a better choice, parties will in the future be more effective than they are today.

[45] *Congressional Record*, July 13, 1955, Vol. 101, pp. 8997–98.

[46] Press Release to National Meeting of the League, July 27, 1955.

[47] This committee has as its chairman Mr. Willoughby A. Colby of New Hampshire, and one of the members is Mr. Charles Tom Henderson, Assistant Attorney General of Florida. David to Dauer, Oct. 21, 1955.

[48] *Congressional Record*, July 13, 1955, Vol. 101, p. 8998.

EXPERIMENTAL PROPAGANDA TECHNIQUES AND VOTING BEHAVIOR*

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During 1953 and 1954 two different experiments designed to determine the comparative effectiveness of personalized and impersonalized propaganda techniques were conducted in Ann Arbor. Although "scientific" in orientation, both of them were carried out in conjunction with the teaching of a political science course in public opinion. This not only provided a unique pedagogical opportunity but also made possible the execution of a particularly difficult type of research. In the report following the first year's experiment, the class procedure used and the drawbacks resulting from the use of students were discussed.[1] Here we will present the major findings and interpretations of two years of such experimental work.

Personal contact in political campaigns in the United States today receives a prominent emphasis in the thinking and planning of party strategists. Despite technological improvements in the mass media, especially television, there is today no diminution in attention to programs for personalized appeals to "get out the vote," unsystematic though such programs may often be. Successful political campaigners in recent years invariably relate their success in part, at least, to the volume of their handshaking, their extensive itineraries, and the intensity of personalized organizational work. In November, 1954 President Eisenhower made history with his initiation of a Republican "talkathon" by telephoning ten party workers around the nation just before election day. This personal contact emphasis in American political campaigns, while not as extensive nor as systematic as the alleged 100 per cent house-to-house canvassing in many British constituencies, stands in decided contrast to the impersonal conduct of campaigns in some other countries. House-to-house canvassing is frowned upon or just not done in countries like the Netherlands, Germany, and Japan. In the Netherlands this is so not only because of compulsory attendance at the polls, but also because of the attitudes the Dutch people have about the propriety of certain electioneering techniques. In a recent sample survey of the attitudes of Dutch adults toward their political system, three-fifths of the respondents said it was not important to know the party

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* Ford Foundation funds of the University of Michigan which were allocated for political behavior research supported these projects. Several individuals assisted considerably in the research: Elizabeth Marvick, Dwaine Marvick, S. J. Wodka, A. A. Applegate, Irwin Goldberg, R. W. Dodge, and Sidney Belanoff. Appreciation is expressed here also to Ann Arbor city government officials, as well as to Professors Harold D. Lasswell, Morris Janowitz, and Theodore N. Newcomb, all of whom made helpful suggestions for the successful prosecution of the research.

[1] See S. J. Eldersveld and R. W. Dodge, "Personal Contact or Mail Propaganda? An Experiment in Voting Turnout and Attitude Change," in Daniel Katz, Dorwin Cartwright, Samuel Eldersveld, and Alfred McClung Lee (eds.), *Public Opinion and Propaganda* (New York, 1954), pp. 532–42.

candidates they were voting for, and less than 30 per cent thought it was a good idea for candidates to go around the country speaking and promising the people what they would do if elected. American political strategists operate in terms of quite different political action premises.

The efficacy of different types of canvassing techniques in political campaigns and the conditions under which a propaganda "breakthrough" occurs have not been clearly established. We do know more today than previously, however, about the extent of such efforts and their possible relationship to other voting behavior determinants. In the Survey Research Center (University of Michigan) study of the 1952 election the authors point out that, while the mass media are "the chief avenues by which the parties seek to reach the electorate," 12 per cent of their sample reported that they had been solicited by party canvassers on the doorstep or by telephone.[2] Using these data, a careful analysis of the interrelationship of party canvassing, political predispositions of the respondents, and primary group pressures was made by Morris Janowitz and Dwaine Marvick.[3] This analysis revealed that canvassing efforts were closely related to voter activation and, to a certain extent, were also linked to a larger vote for the party canvassing, although a "boomerang effect" was also detected. More important were the findings of differential effects for predispositional types, with "apathetic" persons staying home more than "effective citizens," despite party canvassing. These investigators also found a contrast in the effectiveness of canvassing those under concerted primary group pressure for a candidate and those in a "conflict" or neutral primary group situation. There was only limited effectiveness as a result of canvassing those already under concerted pro-Eisenhower or pro-Stevenson primary group pressure, but individuals in a conflict or neutral primary group situation had less tendency to stay home if they were canvassed. These findings indicate, therefore, certain conditions under which personalized voter activation appeals can succeed.

Certain basic questions remain, however: (1) What type of personalized canvassing is most effective, and when; and what is the extent and nature of the advantage of personal contact over propaganda efforts of an impersonal type? (2) Does the impact vary in different election contexts and types of campaigns? (3) Can the point of diminishing returns be precisely established; that is, is there a category of voters whom personal contact does not influence? (4) Is the substantive content of the appeal relevant to the effect? (5) Are other variables besides "political predisposition" and "primary group pressure" as significant for specifying the limits of canvassing effectiveness? (6) What is the cost, particularly the time-cost, for such efforts relative to success? (7) What are the implications for party success, as well as for the democratic political system? Such are the questions which it is hoped the propaganda experiments we have conducted may eventually answer.

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[2] Angus Campbell, Gerald Gurin, and Warren Miller, *The Voter Decides* (Evanston, Ill., 1954), pp. 31–33.

[3] Morris Janowitz and Dwaine Marvick, *Competitive Pressure and Democratic Consent: An Interpretation of the Politics of the 1952 Presidential Election* (Ann Arbor, Mich., 1956).

The field experiment, controlled for propaganda technique, substantive appeal, and the characteristics of the propagandees, is a research tool of great value for such problems. Employed over time in a series of similar and contrasting electoral situations in a given community, it permits replication, in a qualified sense, as well as a great number of investigative permutations. It is particularly suited, furthermore, to a careful analysis of the relationship of community structure differences and unique local institutional practices and conditions, factors which the non-experimental national survey cannot introduce as well. Our Ann Arbor experiments have attempted to exploit some of these research opportunities.

I. THE RESEARCH SETTING IN 1954

In the 1953 Ann Arbor experiment two experimental groups were used, one exposed to four waves of mail propaganda, the other to personal house-to-house canvassing. The objectives were to activate the voter and to alter attitudes to favor revision of the municipal charter. The propagandees were purposely selected because of their lack of information about a charter revision question (which was to appear on the ballot) or because they had previously expressed opinions which were considered unfavorable on the question. The post-experiment interviews revealed that personal contact was most successful in activating people to vote and in changing attitudes, although it was difficult to isolate these two effects. One-third of the control group voted (which was the same percentage as the turnout for the city as a whole, according to the election statistics), 59 per cent of those who had received our mail voted, and 75 per cent of those who had been personally contacted in the experiment voted. (About the same proportions obtained so far as attitude change was concerned, except that only 46 per cent of the mail propagandees voted in favor of charter revision.) In addition, it was found that the personal contact group recalled the stimulus more frequently, had a greater tendency to be exposed to other media during the campaign (especially newspaper coverage), and, paradoxically, rated personal contact as less effective an influence medium than newspapers. The mail propaganda group had greater difficulty with recall, were less exposed to other media, and rated personal contact as the most influential medium.

In the Spring of 1954 these experiments were continued in connection with the annual Spring election in Ann Arbor. The general objective was to check up on our findings of 1953, but we were also interested in pushing the research further, both in the sense of coping with a somewhat different electoral situation and by introducing additional experimental techniques. We were concerned primarily with voter activation in 1954. Briefly, the 1954 experiments differed in the following ways: (1) the election and campaign situation was different; (2) the propagandees were selected differently and were a special "apathetic" group in the electorate; (3) further refinements in canvassing techniques were introduced; and (4) some variations in the substantive content of the propaganda appeal were attempted.

The Ann Arbor election of April 5, 1954 permitted voters again to elect aldermen and county supervisors from each of the seven wards of the city in a partisan election. The voters also had the opportunity to vote "yes" or "no" on three proposals: a general proposal for the construction of a new city hall; the location of the new city hall at a particular site, "the Ann Street site"—controversial because it would mean displacement of Negroes living in that block; and a change in the retirement pay for city employees. The campaign was fiercely contested by both political parties. It was also characterized by continuous and extensive discussion of the city hall question in community groups, in the newspapers, and by radio. This issue cut across party lines to a certain extent, with the Republican mayor (who was not up for re-election) opposed by a significant group in his own party, as well as becoming involved in a well-publicized verbal battle with the Democratic city chairman over it. The city hall proposals were defeated. The Democrats increased their strength in almost all wards in this traditionally Republican community and elected an alderman in one ward which had previously been safe Republican territory. This description of the election is presented to indicate that the "attention-demanding" aspects of the campaign and election in 1954 appear to have been more numerous and intense than in 1953. Voting turnout was only slightly lower in 1954 than in 1953, despite the fact that 1953 had a mayoralty race and had the charter revision question on the ballot. Charter revision had passed by a nine to one vote in 1953; the proposal for the new city hall was defeated in 1954. In many respects the election was more competitive in 1954, especially because the issues-controversy was of a different order and more sharply delineated. The city hall controversy brought into play more obviously than in the previous year certain personal values and motivations, due to the possibility of financial deprivations and the displacement of a minority group, as well as certain environmental-change perspectives and values.

II. THE RESEARCH PLAN AND PROCEDURE

We selected 500 individuals as our special group of "local election apathetics." This was done by checking through the records of the city clerk and taking every person living in the four precincts of central Ann Arbor who had voted regularly in the state and national elections of 1948, 1950, and 1952 but who had never voted in local elections.[4] These were, then, persons who had lived in Ann Arbor several years but apparently had little interest in local government affairs. They were not the hard core of consistent nonvoters in all elections, but only the local elections nonvoting hard core. This contrasted with the 1953 propagandee group, which was composed of attitudinal "indifferents" and "hostiles" on charter revision, many of whom, however, had voted in local elections. The assumption made in 1954 was that our job of voter activation would be much more difficult. The 500 persons selected, it must also be remembered, were not a representative sample of "apathetics" in Ann Arbor, although they did reside in three wards characterized by different population and socio-economic class characteristics. This was not crucial for our experiment, however, since we were not seeking to generalize voting behavior in the city of Ann Arbor.

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[4] Later we found that some of these individuals had left the city, moved to another ward, or died.

Initially the propagandees were divided into six experimental groups and one control group by a random assignment procedure (Table I). This was done in order to repeat the 1953 distinction between mail propaganda and personal contact while at the same time distinguishing two types of mail propaganda and four types of personal canvassing. We distinguished between "rational" mail propaganda (which made a factual and somewhat intellectual appeal) and "moral" mail propaganda (which made a "superego" appeal and emphasized the "citizen duty" aspects of voting). The canvassing techniques which differentiated the experimental groups were as follows: one group, as in 1953, was subjected to personal canvassing on the doorstep by students of a political science class in public opinion. But since we wanted to approach more closely a "reality canvassing situation," arrangements were made for party canvassers to contact a second group. A third group was contacted by telephone in the last two days preceding the election. A fourth group not only was canvassed by students but also was sent rational mail propaganda, a technique presumably permitting us to analyze the "reenforcement" effect of the two efforts. Those

TABLE I. PLANNED AND ACTUAL SAMPLE SIZES

Group	Planned Sample Size	Actual Sample* Size
Personal Contact:		
By students	70	40
By party canvassers	70	24
By telephone	37	25
By students and mail	68	33
Total	245	122
Mail Contact:		
"Rational" mail	76	39
"Moral" mail	72	42
Total	148	81
Control	107	187†

* The reduced size of the actual sample was the result of "mortality" in our groups, either because of failure to complete a possible contact, inaccuracy in the city clerk's records, death, change in residence, or other reasons resulting in inaccessibility.

† This figure was obtained by adding to the estimated 67 persons accessible from the planned control group 120 persons who were in the planned experimental groups but for some reason or other were not contacted. This group of 187 is referred to as the "residual" group. When it is possible to isolate the original control group, figures are given for it as well as for the residual group.

who were canvassed by party workers, we found out later, were individuals with whom the parties would not ordinarily bother. The students emphasized the rational type of appeal in their canvassing, but the line of argument used in the party canvass was not controlled as easily and may have been a mixture of the two appeals.

The students in the class devoted their spare time during approximately three months to the innumerable jobs connected with the experiment. The initial selection of respondents by using the city clerk's files took five people one afternoon. The study design had to be carefully worked out by staff and students. The content of four waves of two types of mail propaganda was decided in committees, the mimeographing or printing had to be arranged, and the stuffing and addressing of envelopes had to be done at specified times. In the meantime the content and method of the personal contact which the students were to make had to be formulated, as well as the nature of the report they were to make after each contact, and careful training for the contact job was necessary. The same was done for those students responsible for the telephone canvass. After the election of April 5th a complete check was again made of the city clerk's records and a sample of 102 respondents, selected at random from the original groups, was interviewed. This in itself took much time, for it required the preparation of a questionnaire as well as other activities associated with the conduct of a field survey. Throughout the entire research operation a staff of four graduate students worked with the course instructor. The usual problems in such a research operation arose: the "disappearance" of propagandees, the inaccuracy of official records, the difficulty of contact despite frequent callbacks, the inexperience of students, and the necessity of telescoping research into the short time of a school semester. (Even with this telescoping the students could not be properly involved in the analysis stage at the close of the semester.) These conditions suggest that caution should be used in the acceptance of the results. However, although this is exploratory research and not as "scientific" as we would like, the data are interesting and of possible value for understanding the type of problem posed here.[5]

III. FINDINGS

Of primary interest, of course, was the extent to which our 1953 findings on voting turnout were corroborated in 1954 when we were dealing with a group which was politically more apathetic. Table II compares the 1953 and 1954 findings with respect to this point. Both experiments produced significant results among those personally contacted. The 1954 results are as important as those of the previous year, although only 25 per cent of the personally canvassed group voted, compared with 75 per cent in 1953. It must be kept in mind that our propagandees in 1954 had never voted in Ann Arbor elections. On the other hand, the mail propaganda effort, which produced results in 1953, was a failure in 1954, relatively speaking. This was so despite the use of the same general procedure both years. Tentatively, there is evidence here that it is possible to get some of the "hard core" of local election "apathetics" to vote, but this cannot be accomplished primarily through the use of mail propaganda, of whatever type, even when the campaign is intense, widely publicized, attention-demanding, and characterized by emotionallly controversial public issues. Although the activation effect of personal contact was greater than that of mail propaganda, it too was of limited success.

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[5] The *chi*-square test was used to test the statistical significance of our principal findings in the 1953 and 1954 studies. The voting turnout (Table II) results of each of these studies were found significant at least at the .05 level, i.e., the probability of obtaining these results by chance is less than one in twenty. The findings presented in other tables here do not achieve this level of significance because the number of cases in most of the cells of the tables is small. The fact that larger frequencies might yield statistically significant results serves to emphasize the desirability of future replications.

TABLE II. VOTING BEHAVIOR FOR EXPERIMENTAL AND CONTROL GROUPS, 1953 AND 1954*

Voting Behavior	1953			1954		
	Type of Contact		Control	Type of Contact		Residual
	Personal Contact	Mail		Personal Contact	Mail	
	(N=20)	(N=22)	(N=21)	(N=122)	(N=81)	(N=187)
Voted	75%	59%	33%	25%	10%	6%
Did Not Vote	25	51	67	75	90	95
Total	100%	100%	100%	100%	100%	100%

* The results of both the 1953 and the 1954 experiments are statistically significant at the commonly accepted levels. The 1953 results yield a *chi*-square of 7.6. The probability of getting these results by chance is less than .05 (i.e., less than one in twenty). The 1954 results given here yield a *chi*-square of 24.3. The probability of getting these results by chance is less than .001. Two other sets of figures might be given in the third column of the 1954 table. Of the original control group of 107, eight per cent were found to have voted. Of the 67 individuals in the control group who were estimated still to live in Ann Arbor, 13 per cent voted. The substitution of either of these sets of figures does not disturb the statistical significance of the 1954 results. If the entire control group is used, the results yield a *chi*-square of 15.1, significant at the .001 level. If the reduced control group is used, the results yield a *chi*-square of 9.2, significant at the .02 level.

A second question the 1954 study sought to answer was: are differential propaganda techniques of the personal contact variety related to voting turnout? The results for each of the personal contact groups are given in Table III. From these results it appears that there may be practically no advantage of one personal contact technique over another. The voting results for the group canvassed by telephone (24 per cent) were only slightly lower, surprisingly enough, than for those canvassed on the doorstep by party workers (29 per cent) or by students (25 per cent). These results certainly need verification in future experiments.

The argument might well be made, of course, that for some reason those in our experimental group were exposed to other campaign stimuli than those in the control group, or that those who voted in each group may have been individuals who were under particular types of non-experimental pressure. In an experiment of this type the individuals are assigned to the groups randomly and, therefore, we assume randomness of exposure to a wide variety of get-out-the-vote stimuli. But, as a check, we carefully compared the experimental and control groups on several possible campaign stimuli, using the data from our post-election survey. We found a strikingly similar pattern of exposure for all groups, particularly for the personal contact experimental groups in relation to the other groups. About 86 per cent of all groups read the *Ann Arbor News* daily; 30 per cent of those not personally contacted and 39 per cent of the personal contact group listened to local radio programs; 65 per cent of the personal contact group received election propaganda in the mail from sources other than our group, while 75 per cent of the control group did; 29 per cent of both groups received telephone calls from groups other than our own; 33 per cent discussed the election with their friends; 10 per cent of both groups were political party "activists." It seems clear that randomness of exposure to campaign sources and stimuli did exist and that the results of the experiment, therefore, cannot be explained away in terms of differential non-experimental stimuli. There is strong evidence that our personal contacts constituted an experimental force which was responsible for differential voting behavior.

TABLE III. TYPE OF CONTACT AND VOTING BEHAVIOR

Voting Behavior	Personal Contact				Mail		Residual
	Students	Party	Telephone	Students and Mail	"Rational"	"Moral"	
	(N=40)	(N=24)	(N=33)	(N=25)	(N=39)	(N=42)	(N=187)
Voted	25%	29%	24%	24%	8%	12%	6%
Did Not Vote	75%	71%	76%	76%	92%	88%	94%
Total	100%	100%	100%	100%	100%	100%	100%

An analysis was again made, as in 1953, of the extent to which individuals recalled the experimental stimulus. There was obviously much more pamphleteering going on in 1954, since 87 per cent of our post-election sample recalled receiving mail. But it was striking again that our personal contact stimulus was recalled much more frequently than the reception of our mail—50 per cent compared to 18 per cent recalling in the relevant experimental groups. (Seventy-three per cent of the telephone group also recalled such a stimulus but we were less sure in this case that it was the call we had made.) Further, there was a tendency for more of those recalling a personal contact to vote than was true of those not remembering—38 per cent as compared to 30 per cent. The opposite was true for those who recalled the reception of mail—31 per cent voted, whereas 40 per cent of those not recalling mail voted.

Although those personally contacted read the *Ann Arbor News* no more than the other groups, there was a tendency again, as in 1953, for those personally contacted to be more aware of the coverage of the campaign in the newspaper. The difference was not as marked as in 1953, however, probably because of the greater intensity of the 1954 campaign. We also asked our respondents to rate the media and propaganda techniques as to effectiveness, as we had in 1953, and the pattern of response was somewhat different. The majority of all groups rated personal contact the most effective medium, which was not the case in 1953, although again those who had been personally contacted supported this technique least. This may be, ironically, a "boomerang" reaction.

A basic question in research such as this concerns the personal characteristics of those who can be influenced by propaganda pressures. Did personal contact activate only those who belong to demographic groups traditionally predisposed to vote? Although the demographic differences between those induced to vote and those remaining apathetic are not sharp, we have found some patterns. Table IV presents some of the differences found. If we compare the personal contact group with the "residual" group we find that, with the exception of those under 36 years old and those who owned their own homes, voting turnout was higher for those personally contacted in all demographic groups.

TABLE IV. VOTING BEHAVIOR AND PERSONAL CHARACTERISTICS

Personal Characteristics	Personal Contact		Residual		Per Cent Difference between Residual and Personal Contact
	Number Possessing Characteristic	Per Cent of Number Who Voted	Number Possessing Characteristic	Per Cent of Number Who Voted	
Sex:					
Male	23	52%	20	40%	+12%
Female	42	24	17	18	+ 6
Age:					
Under 36	21	29	14	43	−14
36 to 50	14	64	8	38	+26
Over 50	26	27	13	15	+12
Home Ownership:					
Owns home	17	41	8	63	−22
Rents home	36	28	22	18	+10
Social Class (By occupation):					
Middle	35	29	22	27	+ 2
Lower	18	44	14	29	+15

We also found that voting was increased by personal contact for those with only a high school education, those who lived in small households, or lived alone, and those who had moved to Ann Arbor from somewhere other than in the Midwest. These data suggest that our experimental stimulus not only activated those demographic groups which are predisposed to vote, but also brought out some voters in the demographic groups which traditionally are less predisposed to vote. The effect of person-to-person pressures, we may conclude, was to penetrate beyond those characteristics which already predisposed persons to vote and compensate for the absence of such predisposing factors in a number of instances.

The level of "political competence"—defined here as the level of political information—of those voting under experimental pressures is another type of analysis which can be made. The important question here is: how did those who were brought out to vote by personal contact compare in competence with those in the other groups who voted?[6] It is evident from Table V that voting was associated with a fairly high level of competence in the "residual" group. For example, among those not personally contacted, three out of five of the voters were familiar with the candidates, while only one out of eight of the nonvoters was so well informed. Similarly, there was a high degree of awareness of the city hall issue among the voters in the group not personally contacted. On the other hand, those persons who were contacted in our experiment and who voted were much lower in political information level—three out of five did

TABLE V. VOTING BEHAVIOR AND LEVEL OF POLITICAL INFORMATION

Level of Political Information	Voted		Did Not Vote	
	Personal Contact	Residual	Personal Contact	Residual
Knowledge of Candidates:	(N=22)	(N=11)	(N=43)	(N=26)
Adequate	23%	64%	12%	11%
Medium	18	—	12	8
Low	59	36	74	81
Not ascertained	—	—	2	—
Total	100%	100%	100%	100%
Knowledge of Issues:	(N=22)	(N=11)	(N=43)	(N=26)
Adequate	64%	82%	44%	50%
Medium	—	—	19	8
Low	36	18	35	38
Not ascertained	—	—	2	4
Total	100%	100%	100%	100%

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[6] It should be borne in mind that political information may have been secured by those contacted during the personal contact.

not know the candidates and one-third did not mention the city hall as an important issue. Thus we seem to have an interesting dilemma. Our personal contacts, since they were more effective in bringing out the vote than any other technique, appear to have induced some competent and well-informed people to vote who otherwise might have stayed home, but also brought out to the polls some who were very poorly informed. Although the number of cases we are dealing with here is small and the findings certainly tentative, this is a result which cannot be overlooked.

The attitudes of those influenced to vote are also interesting. Our analysis indicates that personal contact brought out as voters those who held favorable views as to their political efficacy. We asked several questions in the post-election survey designed to determine the respondents' feelings about the worthwhileness of voting, the importance of elections, and the efficacy of participating in the political process by such means as writing public officials and working for political parties. We found that two-thirds of those personally contacted had optimistic attitudes toward voting efficacy while only about half of the others did. (This difference may be a result of the contact itself, of course.) Of those who were optimistic, there was a slightly higher tendency for them to vote if they had been contacted (38 per cent) than if they were not contacted (30 per cent). There was no evidence that personal contact had any differential effect on those who were cynical or pessimistic. We did find, however, that personal contact brought out a larger percentage of people who had unfavorable attitudes towards Ann Arbor's local government. About 37 per cent of this sample of apathetics had such attitudes. Personal contact brought out a little better than one in three of these people, while only one in five of this group voted among those not contacted.

IV. CONCLUSIONS

We have secured evidence from our experiments, admittedly exploratory and tentative, that the impact of propaganda techniques to get out the vote varies with the electoral context and the nature of the group on which influence is exerted. The consistent nonvoters in local elections were more resistant to pressures of this type than the 1953 experimental group, which included many who had voted in local elections. It would probably be still more difficult to activate consistent nonvoters in all elections. Yet, under certain circumstances these apathetics can be brought to the polls. The personalized approach seems more effective than mail propaganda, whether the latter is of an informative, "rational" type or of a "moral" type. It seems to make little difference what variety of personal contact is made. The people who are induced to vote by personal contact come from both the traditional nonvoting and the voting demographic groups. They are often individuals with little political information, although they may be quite critical of local government. It must be said in their favor that they are usually optimistic about the efficacy of political participation. They also tend to be more exposed politically to other media and more sensitized to campaign controversy than those who are contacted and do not vote. Some of these attitudes, however, may be derivative effects of the personal contact. The time-cost factor is fairly high for such a propaganda operation. The 50 students in the public opinion class, plus four staff members, devoted an estimated total of 400 hours, exclusive of class time and the post-election work, to the experiment. This effort was necessary to bring out 39 individuals among 203 experimentally contacted—an average of approximately ten hours per propagandee successfully induced to vote.

It seems from this that the popular base of local democracy can be broadened by such efforts, an important conclusion for a community like Ann Arbor, where ordinarily no more than a third of the eligible voters participate in local elections. And it is possible in this process of personalized influence to bring voters who are informed and accept the necessity and worth of such participation to the polls. It is more likely, however, that these people will not be well informed and politically aware unless more educative work is done in the personal contact. This suggests that the "deliberative" aspects of the democratic election process are not always and necessarily maximized by bringing out the vote through personal contact. Such techniques may result in elections of a more highly manipulative character.

Furthermore, certain limits seem to be suggested as to the effectiveness of personal contact, although these limits are difficult to specify. Those in the potential electorate who are in the lower socio-economic classes, who have not developed real roots in the community, and who are pessimistic about the worthwhileness of political action are most difficult to activate, even though we had some success with these in our experiments. There is some evidence also that those who have favorable, perhaps *status quo*, attitudes towards local government, and who possess some of the above characteristics, resist such personalized pressures. Additional verification of the relevance of these factors is necessary and additional factors, too, need to be explored in future research. For the present, the possible dilemma facing voter activation enthusiasts and advocates of compulsory voting should be clearly recognized. Mere mobilization of voters may take place, adequate deliberation over candidates and issues may not result, and thus the "democratic consent" aspects of the election may be jeopardized.

THE ADMINISTRATIVE STAFF COLLEGE: EXECUTIVE DEVELOPMENT IN GOVERNMENT AND INDUSTRY*

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The most interesting educational experiment in the world today for the student of comparative administration and business and government is the Administrative Staff College at Henley-on-Thames, England. This College is pioneering the methods which, in any industrialized nation, are needed to restore the flexibility and initiative that must always accompany free enterprise. The College also provides a new approach to leadership training in that enrollees are recruited in fixed proportions from public and private employment by a method that produces balanced management teams among the members (as the "students" are called), and the teaching procedure stresses group work and self-instruction rather than formal lectures.

This original venture, headed by Princeton-trained Noel F. Hall, was founded in 1946 and opened in 1948. Already it is being imitated in widely scattered parts of the world. Henley has turned out some 1,300 policy administrators of the average age of 39, all of whom had been tapped for higher responsibilities by their employers—who incidentally foot the bill—before going to Henley for the three months' session. Each session—there are three a year—is limited to 60 members; six of the 60 members may be drawn from overseas and the rest come from private business, the central civil service, local government, the nationalized industries, and banking. If Henley succeeds, even in a measure, in overcoming the depressing effects of bureaucracy and if it succeeds also in turning out leaders in both business and government who understand public policy and the power to govern, it will have gone far toward solving the problem that Adolf Berle calls the dilemma of modern capitalism,[1] which, he argues, cannot survive if we do not soon master the "power to govern."

The Henley program is also attempting to solve another problem that has long perplexed political scientists: how to articulate policy and management so as to produce a blend. The College gives almost equal consideration to techniques of management and to issues of policy decision, combining them in such a way that even the labels are kept from sight. This is done by stressing a series of familiar situations in which administrative and public policy issues are in the nature of the case so intertwined that it would take a forced interpretation to separate them.

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* This article is the result of two stays at Henley, in 1952 and in 1954. On the second occasion the Principal invited me to join the staff of the College for the three months of the Fall session in order to participate as general observer of the College program and as adviser on research. The assignment also involved conferences with university and management people in various parts of England. I am deeply grateful to my hosts for their generous assistance.

[1] See his *The 20th Century Capitalist Revolution* (New York, 1954), pp. 15–16.

I

Before turning to the objectives, the methods, and the results of this interesting experiment in leadership training, a word may be said about the need that evoked this response.

As specialization and hierarchical organization increase in scope and as business administration becomes more and more political—that is, concerned with policy decision, group relations, and institutional influence and survival—the bureaucratic problems and executive needs of business and government become increasingly alike. The study of power and public policy becomes as important for the business corporation and the trade union as for the politically organized state. In all major governing institutions a central difficulty is how to balance the potential efficiencies of careful planning and logical organization against the equal need for individual initiative and institutional flexibility and responsiveness.

Already in the 1930's top business executives in the United States were concerned with the inherent nature of bureaucracy, the possibility of exceeding the optimum of size and managerial capacity, the stultifying effect of seniority promotions, and similar evidences of institutional arteriosclerosis.[2] In the twenty years since then the continued growth of giantism, combined with a drying up of new sources of executive leadership from smaller enterprises, has forced large institutions to train from within or lose their drive. This is the background need out of which the Henley program grew immediately after World War II when Britain, battered by war and anxious about her economic future, began to devote to reconstruction the same kind of quiet determination and resourcefulness that she had demonstrated during the war.

Henley's chief concern is to see that initiative and enterprise are fostered and that this élan is carried over into the civil service and the nationalized industries as much as into domestic and overseas trade. Although concerned with techniques and practicalities, the Henley program stresses more than do most courses in this country the importance of public policy, the public interest, the idea of a growing political economy, the importance of character, the values of a civilization; at the same time—and perhaps this is a necessary consequence of the above—the College pays less attention to manipulation and personality as determiners of administrative results.

The seed out of which Henley grew was a long time germinating. It was in the minds of men like Sir Hector Hetherington, for example, who, a year before the College was announced, stated his views concerning the need for such a civil leadership academy in an article in the London *Times:*

> . . . Administration is not an end in itself. The Administrator's business is to provide the conditions under which the work of a team can come to good effect in the achievement of some co-operative purpose. . . . Every enterprise calls for the capacity to hold in mind a total and perhaps distant situation, to plan ahead imaginatively and firmly and yet with

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[2] Howard Hyde and I dealt with some of these problems in Temporary National Economic Commission Monograph No. 11, *Bureaucracy and Trusteeship in Large Corporations* (G.P.O., 1940).

> the necessary margins, to assemble in the right relation and at the right time diverse managerial and human resources, to take consistent decisions on points of detail and, indispensably, to see that junior executives in the several spheres know how to do the same. In these things there is an order and a technique which are not simply gifts of nature. Training helps.

Moreover, continued Hetherington, a skilled administrator is the product of the conditioning factors of a lifetime, early as well as adult. What then is the special virtue of a concentrated and high-level training program when a man is, say, 35 or 40? After recruitment and early experience in administration a new stage and a new problem emerge in the development of the individual:

> A time comes in eight or ten or fifteen years, when, having learned and practised his calling, a man does well to cease for a little from action, and to think what he is doing and why and how he is doing it. That is apt to be the most fruitful educational phase of all. The best thinking springs from practice, and a man who by thinking has more thoroughly possessed himself of what he is and does is ripe for greater responsibility.[3]

A special virtue of the Henley program is its recognition that government and business leaders must be trained in common problems of policy and administration if they are to understand each other and take independent but consistent action designed to further the common interest of the nation. In the United States, on the other hand, we have all too often assumed that the best way to keep free enterprise free is to train businessmen and government officials separately, as though they were two distinct, opposed, and antagonistic breeds of animal requiring differing settings and indoctrinations. I feel sure that sooner than we think we shall find our assumption false and turn to the alternative approach. Again quoting Hetherington:

> The College ought to be a meeting place of the two main categories of administrators—the officers of the private and of the public services. In future, as increasingly during the war, they must work together. It is important that they should understand the very different responsibilities which they carry. Much frustration will be saved thereby. It is even more important that each should acquire, so far as may be, the characteristic virtues of the other, and know its own characteristic defects. That is the way of amendment. For the final objective of all this enterprise is not theory, but better practice directed to the fuller service of the public interest. That is how the Administrative Staff College will be judged, and how it will wish to be judged.

Each side has something to offer to the other; together they have a common need and a common purpose. After seeing equally keen civil servants and top business executives adjust to each other and come to respect each other during a twelve-week term, I came away from Henley with the firm impression that this is one of the most valuable achievements Henley has to offer.

II

Henley is strictly a residential program. Its large manor house, called Greenlands, situated on the banks of the Thames not far from Oxford, supplemented by other dormitory and recreational buildings and all set on a beautiful estate away from the bustle of business and traffic, was purchased from the third Viscount Hambledon. The twelve-week course is a seven-day-a-week program making it almost necessary for its members to forget all about the office, wife, and children, and to become fully absorbed in the intellectual and social life of the institution. At the end of each three-weeks' period, however, a long free weekend makes it possible for members to go home to catch up on their business and family affairs. The remoteness of the place and its self-contained character are essential features of the Henley plan.

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[3] London *Times*, Nov. 7, 1945.

Within these congenial surroundings a great deal of hard work is done. Henley may have the outward trappings of a country club but, except for free recreation time in the afternoons devoted to walks, sports, informal conferences, reflection, and reading, what goes on at the College is hard, concentrated work. It is no nine-to-five affair. There are three group-work periods each day—two in the morning and one in the late afternoon—and on four evenings of each week there is something on from 8:30 to 10.

The College is supported entirely by private funds from business institutions and individuals and from the fees paid by employers on behalf of the members, which at present amount to £300 per member. Most of the funds required to buy the property and to make up the difference between a £300 fee and a £350 cost per member are supplied through seven-year covenants under which contributions are partially tax-exempt. So far as fees are concerned, members from the public service are on an equal footing with those from industry.

The College is a non-profit-making corporation run by a Board of Governors, who in turn employ the Principal. The Governors are drawn widely from business, governmental, educational, and ecclesiastical life and the College has succeeded in keeping free from political, social, and economic bias. It has not succeeded in officially interesting the trade unions in its program (although this was part of the original plan) but it has compensated for this loss by getting a number of prominent trade union officials to participate as consultants and official visitors.

Executive development courses in the United States are generally for a shorter term than the one at Henley and it seems clear that the longer period is one secret of Henley's success. A "quickie" may impart information but is unlikely to change attitudes or to ripen one's reflections and insights. The test of a program like Henley's is the changes that occur in individuals which, if not strictly measurable, are at least observable to colleagues and office associates. It is usually when only two or three weeks of the course are left that these changes become apparent, and in most cases the fastest period of growth occurs during the tenth week.

The men and women (there have been some women) who go to Henley are not seeking degrees, because none are given. They are not even seeking academic achievement as a means to promotion, because most of them have already been marked for promotion and all are expected to return to their employments. Having eliminated these incentives to effort, it is plain that motivation must come from the felt need of the member, seconded by his employer, to share what the College has to offer. And because of the thoroughness of the recruitment and interview method used, no member is chosen unless he personally wants the experience and is prepared to work at it.

There is no magic about the number 60, but this total for the student body is probably about right. It makes possible individual attention and good social relationships, and at the same time affords adequate representation from the main working groups and administrative specialties of modern-day society. A group of 60 also allows for six syndicates[4] of 10 members each, and in each syndicate there is a cross-section of skills. Let us see what this means in terms of practical detail, because the build-up and structuring of the session are distinctive features of the Henley program.

In each session there are 30 places for representatives of commerce and industry and 30 for the public services, the nationalized industries, and banking. The 30 places in the first category are parcelled out 15 to large corporations, nine to small ones, and six to the distributive trades. Those in the second category of 30 include six for the central civil service, two for local government, two for the fighting forces, six for banking, and eight for the nationalized industries.

Now bear in mind that each syndicate of 10 must be so constructed as to reflect work specialties and not merely the segments of the economy just listed. The number of members in each skill category is 15 for higher and general management, 18 for factory and works management, six for research and development, nine for commercial and selling, six for controllership, six for financial, and six for overseas. Except for those in the last group, all are carefully analyzed in advance as to their specialized skills. All the other skills that one might think of, including personnel managers, purchasing agents, budget officers, public relations directors, and the like are represented in the major classifications mentioned above.

Why is it done this way? Consider the objectives of the program and the answer appears: to make possible in each syndicate a balanced management team drawn from the main segments of the economy. Thus, in the deliberations of each work group all of the skills found in an actual management situation are brought to bear on each problem taken up by the group, thereby providing a working equivalent of what is found in actual administration.

The basic strategy is to improve the skills that specialists already have by making the specialists more perceptive, and at the same time to retool and broaden these men so that they will acquire an additional skill in general administration, where the test of fitness is an ability to analyze the diverse elements that enter into policy decision and to synthesize the work of experts.

The College attracts a superb mixture of people, and I stress mixture on purpose. To begin with, they are not all, by any means, university graduates; in fact, the percentage of such graduates in the first 21 sessions varied from one-fourth to one-half of the whole membership, with the average about one-third. Moreover, all kinds of personalities are included, from the rather dour scientist who needs to be "brought out" to the somewhat flamboyant sales manager who must be "toned down." As a matter of fact, these differences in educational background, character, and temperament are looked for when the Principal and his associates undertake to build up a balanced membership for a particular session.

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[4] A term brought into use during World War II by the armed forces when men were trained for special missions in small groups.

Henley sets out to leave its stamp on the men who go there by finding out in advance what each individual's weaknesses are and at what points he needs to be strengthened. Indeed, skill in recruitment and in counselling are additional reasons for Henley's success. The Principal has absolute freedom as to whom he shall choose;[5] those who make financial contributions know this and respect his independence and judgment. Finally, there is a carefully thought out plan for each syndicate and for each member in it because only as this is painstakingly done in advance can the College make its full impact on a man's attitudes and his combination of executive traits in 12 weeks. It is partly for this reason that the enrollment is kept small, an important respect in which Henley differs from most American experiments in the same field.

III

Although there are several distinctive and imaginative features about the Henley program, probably the most original is the teaching method, which is highly diversified. The main feature is the use of the syndicate of 10 members. Each syndicate operates under the chairmanship of one of its members, a different chairman and secretary being appointed by the College for each separate subject in the course. At some time during the session, therefore, each member has the experience of chairing a project and of presenting and defending it before the entire membership of the College, usually at an evening meeting. He is given his assignment by the faculty in the form of a brief, works on a fixed time schedule, and must supervise the preparation of a written report representing the consensus of his syndicate.

What happens within the syndicate is a major aspect of the Henley program. Everything revolves around it. It is here that one must go to see attitudes change, men learn to accommodate themselves to each other, men who make good first impressions turn out to be lacking in other respects, and vice versa. Each syndicate has its own room. Briefs are prepared by the teaching staff, and mimeographed materials by the research staff. There is an excellent specialized library. The services of consultants from the outside are made available, and field trips are sometimes arranged in connection with particular subjects.

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[5] The selection process, in brief, is as follows: After a business firm or a government department makes the nomination and the papers on the candidate have been received, the Principal usually talks in person with the employer to find out why he wants to send the man at that particular time, what the candidate's promotion prospects are, something about his qualities, and so on. Next, the candidate visits the College for interviews which may last most of a day, a technique that has been developed to a fine point. At this stage the Principal and his colleagues also consider such questions as: How would this man fit in with the group? How would he get along with the faculty member assigned to the particular syndicate? Would he make a good chairman of a project and, if so, should it be a major one or a minor one and should it come early in the session or late? So far as possible, nothing is left to guesswork or to chance.

There is also a certain originality in the recruitment and functioning of the faculty at Henley. There is one directing staff member, so-called, assigned to each syndicate, but he sits at a small table in a corner of the room, not at the roundtable where the chairman presides. The staff member rarely speaks unless the chairman calls on him or unless he thinks the discussion is getting off the track. And yet, modest as his role appears to be, the staff member makes or breaks the plan because the faculty decide the grand strategy of the course, prepare the briefs and working materials, study and influence the individual members, and at the end help to evaluate them as only men can who work together, drink together at the College bar, take walks around the College grounds and the countryside, or go off with a syndicate after hours.

The directing staff come from almost as mixed a background as do the members themselves: a former official of the Indian Civil Service, a former works manager, a former personnel manager in a large London establishment, an ex-Army officer who later saw service in Washington with the combined chiefs of staff and was Military Secretary to the Cabinet, a civil servant on loan from the Board of Trade. But all have in common a knowledge of and interest in the field, practical experience, skill in sizing up men and working with them. They are not, generally speaking, the so-called academic type and for that reason some university people are critical of them. Nevertheless, as Elton Mayo would doubtless have said, the directing staff have the combination of social skills needed for their type of work.

The faculty is small because a large one is not necessary when in each session some 40 outside experts are brought in to meet with the syndicates as consultants. The chairman of each project and the syndicate members know as soon as a particular assignment is received that a particular expert is coming on a certain day at a certain hour, and they are told in what his expertness consists. Hence the job of the syndicate is to decide in advance just what help they want and the result is a give-and-take, not a lecture.

There is much merit in this group method of self-instruction. To begin with, it teaches the chairman to draw on the skills of his own syndicate and the outside specialists and to work to a deadline. It forces the members to draw on their own resources and to overcome their own difficulties. It gets away from spoon-feeding and encourages originality, innovation, and dissent. But most of all it teaches men, through long hours of knock-down-and-drag-out discussion, to respect each others' opinions, whether they represent private or public employment backgrounds and no matter what the conceits of the different skill groups may be. Sit in a syndicate, as I have, and you can trace the decline of aggressive behavior and the growth of understanding based on a knowledge of common concerns. After about the third week the brassy sales manager of a large commercial outfit finds himself saying, "I hadn't realized it before but those people in the civil service, they're up against pretty much the same problems we are." Or at the College bar before lunch one overhears a civil servant say to another, "You know, that Jones, with International Brass, he isn't a bad fellow at all; those men who didn't go to university have something we could use." Or a nationally-known scientist at the end of the tenth week remarks, "I believe there's something to this administration business after all, even if it isn't an exact science."

All features of the Henley program are carefully tied in around group work. There are two sets of lectures, for example, one by the Principal on money and foreign exchange leading up to a project on export markets, and a second by one of his colleagues on the use of financial data as a tool of executive planning and control. There are also occasional evening lectures by outsiders. Again, twice during the session each syndicate reports on the biography of some well-known person, the idea being to try to identify the characteristics that made him a successful leader. Cases also are used in dealing with particular problems, some being recorded and personally observed and investigated. Thus in the section of the course dealing with technological change, a syndicate may visit a town 30 miles away to study at first-hand how a firm adjusted and survived when India developed its own calico industry and employed modern methods. Sources of current information also are emphasized to encourage the systematic use of tools like *The Economist*, *The Times*, and professional journals. In short, the attempt is to achieve a balance by using a number of methods, all centering around the syndicates working on a series of major problems eventually reported on in oral presentations before the whole membership and faculty. Unity comes from the subject-matter, not the method.

IV

It is simple enough to set forth the course outline, but harder to explain the subtleties and purposes behind it. Moreover, if one starts by saying that the course is in 17 parts, that sounds like good solid information. Actually the use of the figure is likely to mislead, because no part is separated from the others. Noel Hall has said that "there are seventeen parts that look to be discontinuous, but it is of universal experience that round about the tenth and eleventh week of each session, the men begin to see for themselves that there is an intellectual plan and that all these parts are converging to a general dovetailing towards the last ten days of the session." I must confess that I was skeptical about this claim until I saw it made good.

What is the unifying element in this general dovetailing? Although it is hard to put into words, I think it is best described as "dynamic economy." By this I mean an attempt to get men to think about what is involved in keeping the individual administrator, the individual business, and the economy as a whole from becoming traditional and stagnant. At this point I could reproduce the official course outline[6] and let it go at that, but let us see if we cannot get behind that formal presentation.

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[6] The main parts of the course are comparative administrative structures, internal organization and administration, external relations, constructive administration, and con-

As a mature executive about to graduate into top management, the member at Henley is encouraged to become progressive-minded by a series of four steps: First, in his syndicate he looks at his own job to see if he really understands how it relates to the whole operation, and how he might improve his cooperative relationships. Second, while remaining in his own syndicate, he temporarily joins a specially-constituted "specialist" syndicate, where experts in his own field—personnel, finance, or something else—work together for two or three weeks on a subject that closely concerns them, and where he is asked such questions as, "Do you see how you could have been more effective if you had realized that other specialists don't fully understand and appreciate you, or you them?" Third, he is induced to take a look outside his own employment (this is called external relations) to see how group relations complicate policy-formation and decision-making; how consumers, organized labor, and businessmen divide into separate interests that must nevertheless learn to work together and develop something more rational than antipathy if each is to prosper and the public interest is to be safeguarded. Fourth and finally, this maturing administrator is encouraged to think about what can be done to make himself, his firm, and the economy more dynamic. This requires a hard look at technological and economic change, at human relations in administration, at the need to utilize the services of researchers and scientists more effectively than in the past, and at the need to strengthen world trade because in Britain, at least, world trade is the key to national prosperity.

Another source of unity in the course is that the syndicates usually work on three or four different projects simultaneously, instead of completing one before undertaking the next. Consequently, each day's work must be divided up under different chairmen and the members must turn from one subject to another just as all executives must learn to do. And because they are working on so many subjects, the main problems running through all of them tend to stand out clearly. For example, the first item under the course heading of internal organization and administration is called management of the individual and deals with personnel policies and practices. One of these policies relates to collective bargaining and the role of trade unions. Is this an administrative problem or a policy problem? Obviously it is both, but most of the policy aspect of it is reserved for discussion under another part of the course where the role of

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clusions. Comparative administrative structures is used largely to break the ice and get things started. The subheads under internal organization and administration are management of the individual, the structure of organization and interrelation of departments, delegation, control and accountability, and organization for production. The subdivisions under this last are dealt with by so-called specialist syndicates and are related to works management, research and development, office services, management accounting, and the personnel department. The section on external relations deals with commercial relationships (consumers, purchasing, sources of finance, trade associations), organized labor, central government, and local government. Under constructive administration come sections on adaptation to economic change, adaptation to technological change, and imparting and maintaining vitality. Finally, the part called conclusions usually deals with some immediate practical issue, especially foreign trade.

organized labor comes in for full-dress treatment. At that point the question arises: "Must labor unions necessarily divide and weaken the unified responsibilities of top management, or can this difficulty be surmounted by a wise use of work councils?" Thus the focus shifts back again to organizational and administrative matters.

What kind of issues are presented to the syndicate for study and report? Some are major, some seemingly minor, but even the minor ones assume importance when they relate to the central theme of how to remain progressive and achieve a dynamic economy. How can a particular department of a business be induced not to encroach on the work of others and to center on its own main show? Which recent employment practices have improved morale and which have not? Should the state continue to provide financial incentives to industries to locate in unemployment pockets of large cities? How can highly centralized industries like the Coal Board be helped to decentralize, if they should? Is the enforcement of the monopolies law too slow and can better methods be devised? And in what respects have foreign competitors outdistanced British firms in the competition for world markets?

The working briefs on each subject are detailed and precise and each is accompanied by a select bibliography and materials extracted or prepared by the research department of the College. In general the subject of each brief is a large one but the members must make it as concrete as possible by applying assumptions gained by their past experience with actual situations. The result is that in the remarkably short time available some syndicates have written excellent case studies relating to actual firms and particular situations. When 60 promising men, each with from 15 to 20 years of experience, pool their knowledge, as the syndicate method enables them to do, it produces quite a respectable body of experience and turns up some practical problems where the principles emerge from the context. Finally, each project culminates in an oral presentation before the whole College in one of the finest forensic demonstrations one is likely to witness anywhere. It is truly amazing to see the character and leadership traits that emerge from this carefully planned but spontaneous discussion.

V

The connection of the members with the Administrative Staff College is not entirely over when they leave Henley. They will have had personal conferences with the Principal, who does not shrink from plain talk in the few cases where this is desirable. He and the directing staff will have discussed in detail the work of the session and the performance of each member, and there is frequent unanimity in their conclusions. There is no degree, certificate, or diploma, but the Principal does generally report orally to each employer on the progress of the member in whom he is interested.

On leaving Henley each member may thereafter belong to an association of former members in his own community, a series of clubs that have spontaneously appeared as the "graduates" multiply. And some 15 months after a class has gone out, the members return for a two-day refresher session at the College where a nearly 100 per cent attendance is the rule. This session revolves around a definite theme, often relating to a major problem previously considered.

The College is now in process of adding to its follow-up and extension work. Encouraged by the fact that former members wish to go on discussing subjects studied at the College, the faculty are considering a number of activities that might be undertaken by the various club groups without detracting from the main show. There might be a newsletter, for example; the publications of the research department could be sent out to all ex-members; prominent speakers from at home or abroad might be routed to a circuit of clubs; and informal steps are already underway to establish cooperative research relationships with teaching and research programs of a similar character in the nation's universities.

The program at Henley will be interesting to watch. Administrative skills differentiate countries as much as do differences in resources. "The British," said Sir Hector Hetherington, not immodestly, "may reasonably suppose themselves to have some natural talent for administration," a typical understatement about a nation with some 200 years of capitalist experience behind it. What may be even more significant is that since World War II, Britain has staged an economic revival, a recrudescence of enterprise that transcends party divisions. In all classes and circles there is agreement with Sir Oliver Franks who, in his Reith Lectures, remarked that "Nowadays part of the definition of nationhood is industrial development. . . . Perpetual innovation, this ever-repeated assertion of man's power over nature, has an absolute value. . . . These activities are the triumph of the spirit of man."[7] This is the same spirit I found at Henley.

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[7] In "The Will to Greatness," *The Listener*, Dec. 16, 1954, p. 1357.

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BIBLIOGRAPHICAL ARTICLE

A SURVEY OF THE BACKGROUND MATERIAL FOR THE STUDY OF GOVERNMENT IN FRENCH TROPICAL AFRICA*

I. INTRODUCTION

The French territories in Tropical Africa with which this article is concerned are the so-called Federations of French West Africa and French Equatorial Africa, the two Trust Territories of the Cameroons and Togoland, and the island of Madagascar. The two small territories of the Comores, formerly a dependency of Madagascar, and French Somaliland are not considered. These French territories have shared, though only to a limited extent, in the generally increased interest in African affairs since the end of World War II. Even in France, however, they have excited much less interest than French North Africa, which is of greater economic importance, geographically much nearer, and whose problems have assumed a more dramatic, indeed menacing, character. Outside France, these French territories in Tropical Africa have been overshadowed not only by the greater international significance of recent developments in North Africa, but also by the more publicized changes in British African territories, notably the Gold Coast, Nigeria, and the Federation of Rhodesia and Nyasaland, and by the *Mau Mau* rebellion in Kenya. Yet any consideration of the political, social, and economic problems of contemporary Africa which excludes French Tropical Africa, which covers about a quarter of the area of the continent and includes about one-seventh of its 200 million inhabitants, must obviously be very incomplete. For the student of government, however, these territories present an additional interest. While they often closely resemble, ethnically and geographically, neighboring territory under the control of other European powers, especially Great Britain, the policies pursued in them, and the legal, social, and political structures which the French have sought to create to give expression to those policies, differ substantially from those of Great Britain, and considerably from those of Belgium or Portugal. There are thus particular opportunities for the student of comparative government in these areas.

The French literature and materials relating to these territories, though much less than that concerned with French North Africa, are considerable in quantity but very uneven in quality. The treatment of political and administrative subjects is usually highly generalized and often stereotyped. There are hardly any monographic studies of the actual working of administration, and before the end of World War II there was little scope for overt political activity in these territories. Students of government from English-speaking countries should not, however, allow their realization of the often large gap between formal legal structures and the practical working of institutions to result in their ignoring the large literature in French devoted to the former: a thorough understanding of the legal and juridical structure, and indeed of metropolitan French institutions, is essential for any realistic study of contemporary problems of government in French Tropical Africa. It is indeed the all too common neglect of this consideration which makes so much of the relatively small number of writings in English about these territories of slight value. Special attention is accordingly given in this article to the legal background, on which there is much French work of considerable value, and to the various official sources of information in French government publications which are essential. Although the intention is to discuss the literature from the point of view of the student of government, some attention has been given to materials relating primarily to the social and economic background which are thought likely to be useful to such students, and the main sources of statistical data have also been indicated. Unless otherwise stated, the place of publication is in all cases Paris.

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II. BIBLIOGRAPHIES

There is no up-to-date bibliography of works relating to the French Union or French Africa as a whole. For the older books, reference may be made to the *Bibliographie d'Histoire Coloniale* (*1900–1930*) by Alfred Martineau and others (Larose, 1932), which includes sections relating to French West Africa, French Equatorial Africa, and Madagascar, as well as one on general works on French colonial history, each prefaced by a brief discussion of the literature and sources. Perhaps more useful to the student of government, for the period which it covers, is the bibliography appended to the second volume of Stephen H. Roberts' *History of French Colonial Policy 1870–1925* (P. S. King, London, 1929). A large-scale *Bibliographie Générale des Colonies Françaises* was begun in 1931 with the encouragement and help of the metropolitan government and the various territorial governments, under the editorship of G. Grandidier and E. Joucla (Société d'Éditions Géographiques, Maritimes et Coloniales). A volume on Madagascar by G. Grandidier appeared in 1935 and contained works published between 1904 and 1933, supplementing an earlier volume containing works published before 1904, which had originally been published in 1905. A volume on French West Africa by E. Joucla was published in 1937. For French Equatorial Africa, no comprehensive bibliography has appeared since the *Bibliographie de l'Afrique Equatoriale Française*, by G. Bruel (Larose, 1914), but P. Sanner has produced a supplement covering works published between 1914 and 1948, entitled *Bibliographie Ethnographique de l'Afrique Equatoriale Française* (Imprimerie Nationale, 1949).[1] For more recent material, the older collections, which contain little of direct relevance to the study of contemporary political problems, must be supplemented by the bibliographies published in *Africa,* the journal of the International African Institute (quarterly, Oxford University Press, London, since 1928), and in the *Journal de la Société des Africanistes* (quarterly, Musée de l'Homme, since 1931), both of which include sections devoted to administration, although their main interest is in ethnography. Since 1948, a very useful annotated *Bulletin Bibliographique* has been issued bi-monthly in mimeographed form by the Service des Statistiques of the Ministry of Overseas France. Although this gives a more extensive coverage relating to economic conditions, it includes a useful section on "Les Institutions Politiques: L'État." It is, on the whole, the most useful guide to the articles and books currently published on the political and economic problems in the French Overseas Territories, but is not on sale.

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[1] The "Bibliographie Économique et Sociale de l'A.E.F.," which appeared as a "numéro hors série" in the *Bulletin d'Informations Économiques et Sociales de l'A.E.F.* (Sept., 1947), seems to have been an earlier version of this work and is practically identical with it.

III. GENERAL WORKS: OFFICIAL PUBLICATIONS

By far the most important official publication containing information relating to the Overseas Territories of the French Union is the *Journal Officiel de la République Française* (Imprimerie des Journaux Officiels). This at present includes the following separate series:

1. *Débats Parlementaires: Assemblée Nationale.*
2. *Débats Parlementaires: Conseil de la République.*
3. *Documents Parlementaires: Assemblée Nationale.*
4. *Documents Parlementaires: Conseil de la République.*
5. *Débats de l'Assemblée de l'Union Franciase.*
6. *Documents de l'Assemblée de l'Union Francaise.*
7. *Avis et Rapports du Conseil Économique.*
8. *Lois et Décrets.*
9. *Documents Administratifs,* also called *Annexe Administratif.*
10. *Bulletin du Conseil Économique* (*Compte Rendu Analytique des Séances*).

All these contain essential material for the student of government in French Tropical Africa. In particular, the documents of the various assemblies contain numerous committee reports which often discuss a particular territory or topic very fully. A few examples may be instanced: *Documents Parlementaires: Conseil de la République, Séance du 2 mai 1950, Annexe No. 259* was a report made by the mission which visited Madagascar and French Somaliland in September and October, 1949 on behalf of the Overseas France Committee of the Council of the Republic and includes, *inter alia,* an account of Malgache political parties, nationalism and communism in Madagascar, and the activities of the missions and of local administration. *Avis et Rapports du Conseil Économique, Séances des 14 et 15 Février 1950* included a "Report on the Economic, Social and Monetary Policy of the French Union," with three subsidiary reports and some statistical appendices. *Documents de l'Assemblée de l'Union Française, 2e Séance du 26 Août 1954, No. 318* was a report made by a mission which visited French Equatorial Africa on behalf of the Social Affairs Committee of the Assembly to investigate the application there of the Labor Code for Overseas Territories enacted in 1952.

The *Jurisclasseur de la France d'Outre-Mer,* issued, since 1948, by the Ministry of Overseas France (Éditions Techniques), is divided into two parts.

The first, in one volume, contains *Codes;* the second, at present in 15 volumes, contains laws, decrees, and administrative documents. This is a loose-leaf compilation of the legislation currently in force in the Overseas Territories, excluding North Africa, and is kept up to date by irregular issuances to subscribers. New legislation, both statutes and executive decrees and orders, is of course published at the time of its enactment in the *Journal Officiel* series called *Lois et Décrets*, as well as in the *Journaux Officiels* of the various territorial administrations.

The Statistical Service of the Ministry of Overseas France, together with the National Institute of Statistics and Economic Studies, publishes bi-monthly (in spite of its title) a *Bulletin Mensuel de Statistique d'Outre-Mer*, which includes, besides data relating to production and trade, transport, prices and money, tables of current budgetary receipts in the individual territories and of development expenditure. Two series of supplements—*Série Statistiques* and *Série Études*—are published at irregular intervals. The former contains the results of the census of population, and the latter includes such special studies as the results of a public opinion survey taken in metropolitan France in 1950 under the title "Connaissez-vous la France d'Outre-Mer." An *Annuaire Statistique de l'Union Française Outre-Mer, 1939–1949* was published in two volumes in 1951 (Imprimerie Nationale). This includes much information of great value to the student of government, such as tables relating to education, labor, and public finance. Another valuable series of studies is issued by the Statistical Service of the Ministry of Overseas France under the title *Documents et Statistiques.* These include *La Monnaie et le Crédit dans les Territoires d'Outre-Mer* (No. IV, 1950) and a pioneer study which deserves to be much more widely known, *Les Budgets des Territoires d'Outre-Mer pour l'Exercice 1952* (No. VI, 1952), by P. Sanner and H. Le Polotec. The most comprehensive description and analysis of the monetary system of the French Union is in *Premier Rapport Annuel du Comité Monétaire de la Zone Franc, 1953,* to be found in *Statistiques et Études Financières: Supplément Finances Françaises No. 24, 1954* (Imprimerie Nationale).

A monthly magazine containing, besides official news items, articles on current issues, descriptions of economic and social development services, and a survey of current foreign press comment on French and other overseas territories is issued by the Ministry of Overseas France under the title *Chroniques d'Outre-Mer.* Before 1951 it was known as *Bulletin d'Information de la France d'Outre-Mer.* It is published for the Ministry by La Documentation Française, which also publishes at irregular intervals (about 150 per annum) a series of official documents and studies called *Notes et Études Documentaires.* This includes many issues relating to the Overseas Territories of the French Union, a number of examples of which are mentioned below. A recent issue (No. 1847) of particular value to the student of government, containing much otherwise inaccessible data relating to postwar political development, is *L'Évolution Récente des Institutions Politiques dans les Territoires d'Outre-Mer et Territoires Associés.*

Les Élections Législatives de Juin 1951 (La Documentation Française, 1953) includes the results of the general election for the National Assembly in 1951. Some data relating to the previous general election of 1946 are contained in Volume I of the *Annuaire Statistique de l'Union Française d'Outre-Mer* and in *Élections et Referendums: 13 Octobre, 10 et 24 Novembre et 8 Décembre 1946; Résultats par Département et Canton* (Le Monde, 1947).

IV. GENERAL WORKS: PERIODICALS

There is a relatively large number of periodicals devoted to various aspects of French Union affairs, but many of them are somewhat propagandist in tone, and those which deal with topics in a scholarly manner are not numerous and tend to devote a high proportion of their space to parts of the French Union other than Tropical Africa. The most valuable for the student of government is the *Revue Juridique et Politique de l'Union Française* (Librairie Générale de Droit et de Jurisprudence, quarterly since 1947), which is concerned primarily but not exclusively with legal and constitutional questions. It publishes articles of high quality and of essential importance, such as that by P. F. Gonidec on "Les Assemblées Locales des Territoires d'Outre-Mer," in Volumes VI and VII. Another useful legal journal is the *Recueil Penant: Recueil Général de Jurisprudence de Doctrine et de Législation d'Outre-Mer*, which has appeared continuously since 1891 (Éditions de l'Union Française, monthly). Besides articles on social and administrative as well as purely legal subjects, this contains the full text of the more important new laws, decrees, and other documents. The quarterly journal of the Centre des Hautes Études d'Administration Musulmane, *L'Afrique et l'Asie* (Imprimerie Administrative Centrale, since 1948), has included a number of articles on the social background in Tropical African territories, as well as a few dealing with more specifically political topics. These are short but are generally written by those with substantial practical experience in Africa, usually as administrators. Somewhat more polemical, or at least defensive of the "colonial" point of view, are the *Comptes Rendus de l'Académie des Sciences Coloniales* (bi-monthly, published by the Academy) and *L'Afrique Française: Bulletin du Comité de l'Afrique Française et du Comité du Maroc* (Comité de l'Afrique Française). This was published from 1891 to 1940 and a new series began in 1952. The *Encyclopédie Mensuelle d'Outre-Mer* (Éditions de l'Union Française, monthly since 1950) contains articles on almost all aspects of life in the overseas territories, though little on directly political as opposed to social and administrative questions. It includes a supplement, *Documents Politiques, Économiques et Sociaux.*

Most valuable of the more journalistic periodicals is *Marchés Coloniaux du Monde* (Logier et Cie, weekly since 1945). Besides well-documented articles by leading men in commerce, politics, and administration, this also contains regular summaries of the proceedings of the various metropolitan assemblies, so far as these are concerned with the affairs of the French Union, as well as those of the representative assemblies in the territories themselves. Another interesting monthly magazine which has appeared since 1948, mainly political in its emphasis, is *Union Française et Parlement,* though its articles are very short. *L'Année Politique* (Éditions du Grand Siècle, annually since 1944) prints a number of documents relating to the affairs of the French Union and since 1952 has had a substantial section devoted to them in its narrative part, though little of this has so far dealt with Tropical Africa. *Présence Africaine* (Éditions Africaines), which began as a periodical but after No. 7 appeared irregularly in issues devoted each to a particular topic, has, since No. 16, begun a *Nouvelle Série* which will apparently appear as a periodical. It contains many contributions from Africans. Of the original series No. 8 was entitled *Le Monde Noir,* No. 13 *Le Travail en Afrique Noire,* and No. 15 *Les Étudiants Noirs Parlent.* Although definitely "anti-colonial" in tendency, the mimeographed periodical *Afrique Informations,* which appears irregularly (Claude Gérard, 5 Rue Lamartine, Paris, 9^{e}), is a useful source of information on current political developments. *African Abstracts* (International African Institute, London, quarterly since 1950) contains abstracts of articles selected from periodicals, including many French ones, but they are predominantly of an ethnographic character and many articles in learned journals not specifically "African" or ethnographic are not abstracted. Nevertheless, this is of some value to those interested in administrative problems, as is the geographical journal published by the University of Bordeaux, *Cahiers d'Outre-Mer* (quarterly since 1948). The latter contains many studies of the human and social geography of overseas territories which provide valuable "background" material for the student of government and economics.

Among French journals not specializing in African or "colonial" subjects, the *Revue d'Économie Politique* (Recueil Sirey, bi-monthly since 1891) published two special numbers on *L'Économie de l'Union Française* in 1951 and 1954, respectively, both edited by G. Leduc, which include much material of interest relating to public finance, development policy, and monetary organization. Its annual volume on *La France Économique* has, since 1947, contained a section on the French Union Overseas. *Politique Étrangère* (Centre d'Étude de Politique Étrangère, bi-monthly since 1935) published special numbers devoted to the French Union and its problems in September, 1953 and October, 1954. *Cahiers Internationaux de Sociologie* (1946–1953 Éditions du Seuil, since 1954 Presses Universitaires de France, twice yearly) has also printed a number of articles on African topics. There are frequently articles on the overseas territories in French literary reviews, particularly in the "left-wing" Catholic journal *Esprit* (monthly since 1931) and in *Les Temps Modernes* (edited by J.-P. Sartre, monthly since 1946).

V. GENERAL WORKS: BOOKS AND ARTICLES

For those primarily concerned with French Tropical Africa, the development of administration before 1939 can be best studied in R. L. Buell, *The Native Problem in Africa* (2 vols., Macmillan, New York, 1928), and in Lord Hailey's *An African Survey* (Oxford University Press, London, 1928). The historical background is given very fully in S. H. Roberts, *History of French Colonial*

Policy, 1870–1925 (P. S. King, London, 1929), and H. I. Priestley, *France Overseas: A Study of Modern Imperialism* (Appleton-Century, New York, 1938), while some account of developments during and immediately after the war will be found in M. Devèze, *La France d'Outre-Mer de l'Empire Colonial à l'Union Française, 1938–1947* (Hachette, 1948).

The best general account of the legal and juridical system is by L. Rolland and P. Lampué, *Précis de Droit des Pays d'Outre-Mer* (2nd edition, Dalloz, 1952). K. Robinson, *The Public Law of Overseas France since the War* (Oxford University, Institute of Colonial Studies, Reprint Series No. 1A, Oxford, 2nd ed., 1954) is a brief discussion with fairly full references to the literature. Two works dealing with more specialized aspects, an understanding of which is particularly important for the non-French student, are C. Rossillion, *Le Régime Législatif de la France d'Outre-Mer* (Éditions de l'Union Française, 1954), and J. Ravanel's article "Le Conseil d'État et les Assemblées des Territoires d'Outre-Mer," in *Études et Documents du Conseil d'État, No. IV* (Imprimerie Nationale, 1950), which describes the supervisory and advisory functions of the Conseil d'État in respect of the territorial assemblies and their activities.

The best recent study of French ideas about colonial policy is H. Deschamps, *Les Méthodes et les Doctrines Coloniales de la France (du XVIe Siècle à Nos Jours)* (Colin, 1953). Based on personal experience as well as research, this displays a discriminating judgment and penetration which may not be realized by those not already familiar with the subject. Although primarily suggested by and concerned with experience in Indochina, P. Mus' *Le Destin de l'Union Française* (Éditions du Seuil, 1954) is a work of great value to the student of French colonization, learned, subtle, and fully rewarding the effort which its complex thought demands from the reader. A useful account of the postwar institutional changes is D. Boisdon, *Les Institutions Politiques de l'Union Française* (Berger-Levrault, 1949). Short surveys in English are Ch.-A. Julien, "From the French Empire to the French Union," in *International Affairs* (Oct., 1950), General Catroux, "The French Union," in *International Conciliation* (Nov., 1953), and K. E. Robinson, "French Africa and the French Union," in *Africa Today*, edited by C. Grove Haines (Johns Hopkins Press, Baltimore, 1955).

The student of the political and administrative problems of French Tropical Africa will soon realize the need to acquire some knowledge of the economic and financial institutions of the French Union. Besides the two special numbers of the *Revue d'Économie Politique* already mentioned, he will find in J. C. Haumant, *Initiation aux Finances Publiques des Territoires d'Outre-Mer* (Éditions de l'Union Française, 1953) a clearly-written and authoritative guide to the public finance of the Overseas Territories, including their various budgets, tax systems, and arrangements for governmental financing of development expenditure. On this last point, L. B. de Carbon's *L'Investissement dans les Territoires d'Outre-Mer* (2 vols., mimeographed, Institut de Science Économique Appliquée, 1951) and L. Postel-Vinay's *Aspects Financiers et Budgétaires du développement Économique de l'Union Française* (La Documentation Française, 1952, Notes et Études Documentaires No. 1568) should also be consulted.

VI. FRENCH WEST AFRICA

The best short survey of French West Africa is J. Richard-Molard, *L'Afrique Occidentale Française* (Berger-Levrault, 2nd ed., 1952), an excellent example of the work of French geographers, which includes moreover a very useful account of the social and economic background. Rather more "administrative" in tone, but nevertheless solid and workmanlike is G. Spitz, *L'Ouest-Africain Français* in the Terres Lointaines series (Société d'Éditions Géographiques, Maritimes et Coloniales, 1947). F. J. Pedler, *West Africa* (Methuen, London, 1951), is a brief introductory survey, the work of a British business man, previously a civil servant, with much practical experience in both British and French territories. The same author's *Economic Geography of West Africa* (Longmans, London, 1955) is primarily concerned with the affairs of the four British territories in West Africa but contains a number of incidental references to the French territories. Still useful, though somewhat dated in economic matters, is A. Bernard's volume in the Géographie Universelle, *Afrique Septentrionale et Occidentale*, 2nd Part, "Sahara-Afrique Occidentale" (Colin, 1939). Much of the Sahara is within the boundaries of French West Africa and R. Capot-Rey's outstanding work, *Le Sahara Français* (Presses Universitaires de France, 1953), is valuable for its discussion of economic possibilities and of the social order in Mauretania, Niger, and parts of the French Sudan. The Centre des Hautes Études d'Administration Musulmane has produced a map of *Le Sahara des Nomades* accompanied by a short study of *L'Économie Pastorale Saharienne* (La Documentation Française, 1953, Notes et Études Documentaires No. 1730). Most comprehensive of all, the two volumes of *L'Afrique Occidentale Française*, edited by E. Guernier (Encyclopédie Coloniale et Maritime, 1949), contain articles on almost all aspects of its history, geography, economy, and administration, many by acknowledged authorities, with useful bibliographical indications. The first volume contains a section on the political and administrative structure, including public finance, justice, education, health services, labor conditions, and similar topics. It also contains "Les Groupes Ethniques," by J. Richard-Molard (also reprinted in *Hommage à Richard-Molard*, Présence Africaine No. 15, 1954), which is probably the most useful introduction for the non-specialist to the ethnography of the region.

The pioneer work of M. Delafosse, *Haut-Sénégal-Niger* (3 vols., Larose, 1912), is still unsuperseded for many areas and peoples. There are chapters on the ethnography of French West Africa, as well as a full bibliography, in *Ethnologie de l'Union Française, Vol. I: Afrique,* by A. Leroi-Gourhan and J. Poirier (Presses Universitaires de France, 1952). More useful to those interested in administration, as an introductory account of traditional African society, is H. Labouret, *Paysans d'Afrique Occidentale* (Gallimard, 1941), which emphasizes such features as the systems of land holding, economics of land holding, economic organization at the family and village level, and the division of labor, and also includes some pioneer work on family expenditure and the measurement of the standard of living. The administration collected information about customary systems of law and published three volumes of *Coutumiers Juridiques* *de l'A.O.F.* (Larose, 1939), the first devoted to Senegal, the second to the Sudan, and the third to the remaining territories in French West Africa. Three volumes relating to parts of French West Africa have so far been published in the Ethnographic Survey of Africa under the auspices of the International African Institute: V. Paques, *Les Bambara* (1954); J. Rouch, *Les Songhay* (1954); and M. de Lestrange, *Les Coniagui et les Bassari* (Presses Universitaires de France, 1955).

The large monographic literature is of varying quality and still more varying utility to the student who is primarily interested in politics, but a few studies important either by virtue of the size of the ethnic group in question or because of their outstanding merit, may be mentioned: L. Tauxier, *Moeurs et Histoire des Peuls* (Payot, 1937) and *Histoire des Bambara* (Geuthier, 1942); M. J. Herskovits, *Dahomey, An Ancient West African Kingdom* (2 vols., Augustin, New York, 1938); D. Paulme, *L'Organisation Sociale des Dogon* (Domat Montchrestien, 1930) and *Les Gens du Riz* (Pion, 1954); G. Dierterlen, *Essai sur la Religion Bambara* (Presses Universitaires de France, 1950); and L. Urvoy, *Histoire des Populations du Soudan Central* (Larose, 1936). H. Labouret's *Les Manding et Leur Langue* (Larose, 1934) is largely linguistic. The Institut Français d'Afrique Noire at Dakar, and its various centers in the individual territories, publish much material of an ethnographic kind. The *Bulletins* of the Comité des Études Historiques et Scientifiques de l'A.O.F., published from 1916 to 1938, at which time they were succeeded by the *Bulletin de l'Institut Français d'Afrique Noire*, also contain many ethnographic studies, mostly by administrative officers. Since 1953, the *Bulletin de l'I.F.A.N.* has been published in two series, of which Series B is devoted to the "Sciences Humaines." The Institut Français de l'Afrique Noire also publishes *Notes Africaines* (quarterly) and a series of *Mémoires* at irregular intervals, as well as a series called *Initiations Africaines*, which includes a most useful introduction to the study of contemporary problems of sociological interest in West Africa, *Les Tâches de la Sociologie*, by P. Mercier (IFAN, Dakar, 1951). This small book will be invaluable to the student of political science and administration who is unfamiliar with the African scene. It includes a short bibliography.

Relatively little sociological study of the impact of Western society and the social disintegration it has brought about has as yet been undertaken in French West Africa, though the recent formation of a Sociological Section at I.F.A.N. is already remedying this situation. *L'Agglomération Dakaroise*, by P. Mercier and others (Études Sénégalaises V, Centre IFAN, Saint-Louis, 1954), contains some preliminary results of a series of studies of certain Senegal towns—Dakar, Thiès, Saint-Louis—undertaken by the Sociological Section. P. Mercier has published *I'Affaiblissement des Processus d'Integration dans les Sociétés en Changement* (Bulletin de l'I.F.A.N. Série B, Vol. 16, Dakar, 1954) and another study on *Aspects des Problèmes de Stratification Sociale dans l'Ouest Africain* (Cahiers Internationaux de Sociologie, Vol. 16, 1954). The latter is of special interest with respect to the political implications of social differentiation and conflicts between "traditional" and "Western" criteria of differentiation.

At least as important as a knowledge of the ethnographic and sociological background for the student of government and administration is a knowledge of the character and development of French rule in West Africa. Unfortunately there is no satisfactory historical account of this. The best of the available general descriptions is that of P. Delafosse in Volume 4 of the *Histoire des Colonies Françaises,* edited by G. Hanotaux and A. Martineau (Plon, 1933). This is, however, now very much out of date and the part relating to the period after the First World War was very slight. J. L. Monod, *Histoire de l'Afrique Occidentale Française,* is a school textbook based on Delafosse (Delagrave, 1934). C. Scheffer, *Instructions Générales sur l'Afrique Occidentale* (Larose, 1921), is in two volumes, of which the second contains the instructions between 1831 and 1870. There is a large literature dealing with the period of the French conquest, of which A. Terrier and C. Mourer, *L'Expansion Française et la Formation Territoriale* (Gouvernement Général de l'A.O.F., Larose, 1910), remains useful.

The only part of French West Africa on which much historical work has been done is Senegal. P. Cultru, *Histoire du Sénégal du XVe Siècle à 1870* (Larose, 1910), is a solid work based on archival materials but concerned mainly with the period before the nineteenth century, for the early part of which G. Hardy's two books, *L'Enseignement au Sénégal de 1817 à 1854* (Larose, 1920) and *La Mise en Valeur du Sénégal de 1817 à 1865* (Larose, 1921), are interesting. More useful for the subsequent period is A. Villard, *Histoire du Sénégal* (Viale, Dakar, 1943), with an annotated bibliography. There is an interesting study of the development of the Ivory Coast by F. J. Amon d'Aby, *La Côte d'Ivoire dans La Cité Africaine* (Larose, 1951), which contains a discussion of political parties and some account of the local press.

No studies of the actual working of administration in French territories, comparable for example with Margery Perham's *Native Administration in Nigeria,* exist. Two books which give a lively and intelligent impression of the work of a French administrator during the interwar period are R. Delavignette's *Les Paysans Noirs* (Stock, rev. ed., 1946) and the same author's *Service Africain* (Gallimard, 1946; English translation *Freedom and Authority in French West Africa,* Oxford University Press, London, 1950). His account of the work of a district officer in the latter book may be compared with that of R. Grivot in *Le Cercle de Lahou* (Côte d'Ivoire), one of the few available accounts of administrative action in one district (Bulletin de l'I.F.A.N., Vol. 4, 1942). M. Grivot has recently published a useful and interesting discussion of current political and administrative problems in Dahomey, *Réactions Dahoméennes* (Berger-Levrault, 1954). Discussion of administrative problems during the interwar period was preoccupied largely with the question of the position of the chief, particularly in relation to the requirements of administration and the claims of the philosophy of African rule then dominant in British territories under the somewhat misleading label of "indirect rule." Although these issues no longer find a prominent place in contemporary discussion, the problems involved in the transformation of "traditional" societies into a larger scale "bureaucratic" society, with certain aspects of which this controversy was essentially concerned, remain fundamental here as elsewhere in Tropical Africa. For French discussion of it, reference should be made to J. van Vollenhoven, *Une Ame de Chef* (Plon, 1920), H. Labouret, *A la Recherche d'une Politique Indigène dans l'Ouest-Africain* (Comité de l'Afrique Française, 1931), and J. Brevié, *Circulaires sur la Politique et l'Administration Indigènes en A.O.F.* (Imprimerie du Gouvernement, Gorée, 1932). Although it was concerned specifically with French Equatorial Africa, it is probably best to mention here the last contribution to this discussion, which is to be found in F. Eboué, *Politique Indigène de l'Afrique Equatoriale Française* (Imprimerie Officielle de l'A.E.F., Brazzaville, 1941; English translation *The Eboué Memoranda of 1941*, in Sudan Notes and Records, Vol. 25, 1943).

French policy in Africa was officially examined during the Second World War at a conference of governors and their principal assistants held in Brazzaville in February, 1944, under the presidency of M. René Pleven, at that time Commissioner for Colonies in the Provisional Government of Algiers. Its conclusions were published in *La Conférence Africaine Française* (Ministère des Colonies, 1945). Postwar developments have been summarized and discussed in relation to the situation between the wars in K. Robinson, "Political Development in French West Africa," in *Africa in the Modern World*, edited by C. Stillman (University Press, Chicago, 1955), and in a series of articles by T. Hodgkin entitled "Background to A.O.F." and appearing in the issues of *West Africa*—a weekly periodical published in London—between January 2 and March 6, 1954. H. Deschamps, *L'Eveil Politique Africain* (Presses Universitaires de France, 1952), is a very brief discussion of postwar reactions, including a summary account of "traditional" society and prewar colonial policies. There is little published work on the newly-instituted electoral systems. G. Gayet, "Évolution Récente des Collège Electoraux en Afrique Occidentale," in the *Comptes Rendus de l'Académie des Sciences Coloniales, 1952*, is a short but useful article. There is a good official account of the postwar changes in J. Aurillac, *Régime Politique et Administratif de l'A.O.F.* (Service d'Information du Haut Commissariat de l'A.O.F., Dakar, 1949). The material relating to French West Africa submitted to the United Nations in accordance with the provisions of Article 73(e) of the Charter is issued in mimeographed form and is available in some libraries. *La Situation Économique et Sociale de l'Afrique Française* (in three parts, Notes et Études Documentaires Nos. 1832–34, La Documentation Française, 1954) also contains an account of the political and administrative organization as well as material on public finance, labor, and social welfare. It includes a list of newspapers and similar periodicals published in West Africa at the beginning of 1953.

African comment on recent political and economic changes is confined largely to articles in periodicals, such as that by Leopold Senghor, Deputy for Senegal, in *Politique Étrangère*, October, 1954, or in *Où va l'Union Française?* (Les Cahiers de la NEF, June, 1955). Two recent works which are significant examples of African thinking are Mamadou Dia's *Réflexions sur l'Économie de l'Afrique Noire* (Éditions Africaines, 1955) and Lamine Gueye's *Etapes et Perspectives de l'Union Française* (Éditions de l'Union Française, 1955).

On more specialized aspects of the administrative problems of West Africa, there are a number of books and articles of which a few may be cited. J. Chabas, *La Justice Indigène en Afrique Occidentale Française* (Annales Africaines No. 1, École Supérieure de Droit, Dakar, 1954), is a useful account of the various tribunals administering African customary law, their organization and working. A characteristic feature of French administration has been the form of compulsory "cooperative" for rural development known as the Provident Society. A brief description will be found in K. Robinson, "The Sociétés de Prévoyance in French West Africa," *Journal of African Administration* (Vol. II, London, 1950), and a more detailed discussion of their earlier development in J. Boyer, *Les Sociétés Indigènes de Prévoyance en A.O.F.* (Domat-Montchrestien, 1936). The position of women has been discussed by Soeur Marie-André du Sacré Coeur in *La Condition Humaine en Afrique Noire* (Grasset, 1953) and "L'Activité Politique de la Femme en Afrique Noire," *Revue Juridique et Politique de l'Union Française* (Vol. 8, 1954). A. Gouilly, *L'Islam dans L'Afrique Occidentale Française* (Larose, 1952), should be supplemented by the earlier works of P. Marty, *Études sur l'Islam Maure* (1916), *Études sur l'Islam au Sénégal* (2 vols., 1917), *L'Islam et les Tribus du Soudan* (4 vols., 1920), *L'Islam en Guinée* (1921), *L'Islam en Côte d'Ivoire* (1922), *L'Islam au Dahomey* (1922), all published by Leroux, and J. Brevié, *Islamisme contre "Naturisme" au Soudan Français* (Leroux, 1923). On education, *Africans Learn to be French: Educational Activity in French Africa*, by W. B. Mumford in consultation with G. St. J. Orde Browne (Evans, London, 1937), is rather slight and very much out of date. There is no comprehensive study of postwar educational development: the nearest approach is J. Capelle, *Education in French West Africa* (Overseas Education, Vol. 21, Her Majesty's Stationery Office, London, 1949). The educational service in French West Africa has for many years published the journal *L'Education Africaine*, of which a new series began in 1949 (Direction de l'Enseignement, Dakar, quarterly). On the application of the Labor Code, enacted in 1952, there are several books, of which P. Huguet, *Code du Travail d'Outre-Mer: Texte et Commentaire* (Recueil Sirey, 1953), is probably the best. Two articles by P. Riviere and P. Devinat, "The Labour Code for French Overseas Territories," *International Labour Review* (Vol. 68, pp. 232, 245, Sept., 1953), give a general account of the Code and its possible economic consequences. Economic development schemes have been discussed in *L'Equipment de l'Afrique Occidentale Française: Aperçu des Réalisations du Fonds d'Investissement pour le Développement Economique et Social au 1er Juillet 1950* (La Documentation Française, 1951). More recent activities in this sphere are most conveniently followed in the annual reports of the Commissariat Général du Plan de Modernisation et d'Équipement of which the latest is that for 1953, *Rapport Annuel dur l'Exécution du Plan de Modernisation et d'Équipement de l'Union Française* (Imprimerie Nationale, 1954). The programs proposed for the Second Four Year Plan are described and discussed in *Rapport Général de la Comission d'Étude et de Co-ordination des Plans de Modernisation et d'Équipement des Territoires d'Outre-Mer* (Imprimerie Nationale, 1954). The system of public finance is briefly outlined in *Régime Financier de l'A.O.F.*, by R. Bargues (Service d'Information du Haut Commissariat, Dakar, 1949), and in a valuable article by J. Ehrhard and J. Lecaillon, "Les Budgets de L'Afrique Occidentale Française," *Revue de Science et de Législation Financières* (Recueil Sirey, January-March, 1954).

There is an elected assembly in each of the eight component territories of French West Africa, but the records of their proceedings have not always been printed and they are very difficult to find even in the major libraries in Paris. So too, unfortunately, are those of the Grand Council for French West Africa as a whole, published since its initiation in 1947 (Grand Conseil de l'A.O.F., *Procès Verbaux des Délibérations*, Grande Imprimerie Africaine, Dakar). The *Annuaire Statistique de l'Afrique Occidentale Française*, Volume I, edition of 1949 (Imprimerie Nationale, 1950) and Volume 2, edition of 1951 (Imprimerie Nationale, 1951), is an essential work of reference. Besides the usual statistics of external trade, agricultural production, and population, it contains a useful note on the budget, statistics relating to public finance from 1939 to 1950, and valuable data relating to education, the administration of justice, and labor. There is also a quarterly *Bulletin de la Statistique Générale* (Service des Statistiques, Dakar).

VII. FRENCH EQUATORIAL AFRICA

The literature dealing with French Equatorial Africa is much less considerable than that about French West Africa, though of course a good deal of the latter, especially that dealing with French policies and methods of administration, applies equally to the other French territories in "Black Africa." None of the general surveys of French Equatorial Africa are as outstanding in quality as that of Richard-Molard on French West Africa. H. Ziéglé, *Afrique Équatoriale Française* (Berger-Levrault, 1952), and E. Trézenem, "Afrique Équatoriale Française," in *La France Équatoriale* (Société d'Éditions Géographiques, Maritimes et Coloniales, 1950), are on the usual lines, including some discussion of the natural environment, ethnography, history, and social and economic "development," with a brief description of political and administrative organization. There is a volume in the Encyclopédie Coloniale et Maritime, *Afrique Equatoriale Française* (Éditions de l'Union Française, 1950), which includes chapters on political organization, the administration of justice, educational services, and public finance. Of the older books, G. Bruel, *L'Afrique Equatoriale Française* (Larose, 1935), is still worth consulting for both its general account of the peoples of the area and its careful description of the main features of administration during the interwar years. The periodical *Encyclopédie Mensuelle d'Outre-Mer* published in 1953 a special number, *A.E.F.*, with contributions by the heads of the various branches of the public service, which provides a supplement to the volume in the *Encyclopédie de l'Afrique Française.*

There is no satisfactory general survey of the ethnography of the area, though reference should be made to Volume 1 of the *Ethnologie de l'Union Française*, cited above. Among the monographs, the standard account of the Fang is by G. Tessmann, *Die Pangwe: Völker Kundliche Monographe eines Westafrika-*

nischen Negerstammes (2 vols., Wasmuth, Berlin, 1913), and of the Bacongo by Father van Wing, *Études Bakongo: Vol. I, Histoire et Sociologie; Vol. II: Religion et Magie* (Brussells, 1921 and 1938, respectively). J.-P. Lebeuf and A. Masson Detourbet, *La Civilisation du Tchad* (Payot, 1950), is a study of the extinct Sao civilization in the Lake Tchad region. Owing, however, to the work of a group of research workers at the Institut d'Études Centrafricaines at Brazzaville, there are a number of valuable studies of a sociological kind, dealing with the impact of colonialism on certain groups. These are of first-class interest and importance to the political scientist in respect not only to French Equatorial Africa but to tropical Africa generally. G. Balandier, *Sociologie Actuelle de l'Afrique Noire* (Bibliothèque de Sociologie Contemporaine, Presses Universitaires de France 1955), is a major work which examines the different "reactions" of two ethnic groups, the Bacongo of the French Congo and the Fang of Gabon, to the impact of social change brought about by the missionary, economic, and administrative activities of the West, and in particular discusses the relationship between those reactions and the internal social structure and organization of these two African peoples. This includes a valuable analysis of the movements known as *Kibanguism*, *Amicalism*, and *Khakism* among the Bacongo and political and social movements among the Fang. Professor Balandier and his associates studied both the new African urban areas near Brazzaville and the rural environment from which their populations had migrated, and their results are published in G. Balandier and J.-C. Pauvert, *Les Villages Gabonais* (Mémoire No. 5 of the Institut d'Études Centrafricaines, Brazzaville, 1952) and in G. Balandier, *Sociologie des Brazzavilles Noires* (Cahier No. 67 de la Fondation Nationale des Sciences Politiques, Colin, 1955). More detailed material on the demographic factors in this process of urbanization is contained in M. Soret, *Démographie et Problèmes Urbains en A.E.F.* (Mémoire No. 7 of the Institut d'Études Centrafricaines, Brazzaville, 1954). The Institut d'Études Centrafricaines has published a quarterly *Bulletin* since 1950, which contains articles of sociological and economic interest, such as that by G. Sautter, "Le Cacao dans l'Économie Rurale du Woleu-Ntem" (Vol. I). It succeeds an early series of which two numbers only appeared in 1945 and 1947 and was preceded by the *Bulletin de la Société pour les Recherches Congolaises*, published from 1919 to 1939. J.-P. Lebeuf has written two small monographs on urban areas in French Equatorial Africa, *Fort-Lamy (Tchad, A.E.F.)* and *Bangui (Oubangui-Chari. A.E.F.)*, both published by Éditions de l'Union Française. These are, however, restricted to "les milieux africains." This appears to be a somewhat unrealistic approach to the problems raised by these areas, but the studies contain some interesting information about associations, trades and occupations, and social organization.

Two official surveys which are useful are *La Situation Économique et la Mise en Valeur de l'Afrique Equatoriale Française* (Notes et Études Documentaires, No. 1461) and *La Situation Economique et Sociale de l'Afrique Equatoriale Française* (Notes et Études Documentaires, Nos. 1815 & 1816). These can be brought up to date in certain respects from the *Bulletin d'Informations Éco-*

nomiques et Sociales de l'Afrique Equatoriale Française (Imprimerie Officielle, monthly since 1947), earlier numbers of which in particular contained short articles on demographic and economic topics besides the usual data on external trade, credit, and public finance. One volume has been published of an *Annuaire Statistique de l'A.E.F.*, containing figures for the period 1936–1950 (Service de la Statistique Générale, Brazzaville, 1951). This includes data relating to population, education, labor, communications, and external trade and also revenue and expenditure of the General and Local Budgets from 1925–1934, of the General Budget from 1935–1944, and for General and Territorial Budgets since 1945. The debates of the Grand Council and the deliberations of its permanent committee are also published: *Débats du Grand Conseil de l'A.E.F.* and *Recueil des Délibérations de la Commission Permanente du Grand Conseil de l'A.E.F.* (both Imprimerie Officielle, Brazzaville, 1947—irregularly). The *Journal Officiel de l'Afrique Equatoriale Française* has been published since 1904 and at present appears fortnightly.

Practically nothing of special interest to the student of politics has been published regarding individual territories in Equatorial Africa. Two famous books by André Gide, *Voyage au Congo* and *Le Retour du Tchad* (Gallimard, 1928), are still worth reading though they deal with administration at a much earlier phase. There is a brief and very general account of Oubangui, with particular emphasis on its economic possibilities, in A. Teulières, *L'Oubangui Face à l'Avenir* (Éditions de l'Union Française, 1953).

VIII. CAMEROONS AND TOGOLAND

Official material relating to the two Trust Territories is somewhat more plentiful since the annual reports rendered by the French government to the United Nations, and before the Second World War to the League of Nations under the terms of the Mandate, are published. These, together with the discussions of them in the Permanent Mandates Commission and the Trusteeship Council, provide a substantial body of material. The *Rapport du Gouvernement Français au Conseil de la Société des Nations sur l'Administration du Territoire sous Mandat du Cameroun* (and the similar report on Togoland) was published annually from 1922 to 1936 by Lahure, that for 1937 by Larose, and the last, that for 1938, by the Imprimerie Logery. The *Rapport Annuel du Gouvernement Français à l'Assemblée Générale des Nations Unies sur l'Administration du Cameroun Placé sous la Tutelle de la France*, and the corresponding Togoland reports, have been published annually since 1947 (Imprimerie Officielle). The postwar series are lavishly illustrated and contain some brief accounts of political movements as well as full details of the administrative organization. In addition, there are the reports of the United Nations Visiting Missions, of which two have so far appeared: *Reports of the U.N. Visiting Mission to Trust Territories in West Africa, 1950* (T/798), which contains, in addition to the mission's reports on both the Cameroons and Togoland under French trusteeship, a special report on the problem of Ewe reunification. (The Ewes are an intelligent and vigorous people, at present divided by international boundaries, with some in the Gold Coast, some in Togoland under British trusteeship, and some in Togoland under French trusteeship.) This subject (and the related problem of the reunification of the two Togolands) has also been discussed in the *Special Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952 on the Ewe and Togoland Unification Problem* (T/1105). The report of the 1952 mission on the Cameroons under French administration is in U.N. document T/1110 and that on Togoland in U.N. document T/1008. The *Journal Officiel du Cameroun Français* (Imprimerie du Gouvernement, Youndé) has been published since 1916 and at present appears weekly, and the *Procès Verbaux de l'Assemblée Representative du Cameroun* have appeared in a supplement thereto since 1949. The *Journal Officiel du Territoire du Togo* (Imprimerie de l'École Professionnelle, Lomé) has been published since 1920 and at present appears fortnightly.

There are not many books about either of the Trust Territories. For the Cameroons, there is a useful survey in B. Lembézat, *Le Cameroun* (Éditions Maritimes et Coloniales, 3rd ed., 1954); Togoland generally receives a special section in books on French West Africa. One volume of the *Encyclopédie de l'Afrique Française, Cameroun-Togo,* is devoted to both territories (Éditions de l'Union Française, 1951). H. Labouret published a brief survey of the prewar mandatory régime: *Le Cameroun* (Centre d'Étude de Politique Étrangère, 1937), which is still worth consulting though it is rather slight. L. Péchoux, *Le Mandat Français sur le Togo* (Pédone, 1939), is a doctoral thesis by an administrative officer who later became Commissaire de la République in Togoland. R. R. Kuczynski, *The Cameroons and Togoland* (Oxford University Press, London, 1939), is an elaborate examination of published documents and assertions relating to the demography of the two former German colonies. It is not possible to refer to the historical literature, particularly that dealing with the period of German rule, but an exception should be made of H. Rudin's *Germans in the Cameroons, 1884–1914* (Cape, London, 1938), which includes a great deal of interesting information about the German administration and its efforts to promote the economic development of the Cameroons.

For the ethnography of the Southern Cameroons, there is one invaluable work by I. Dugast, *Inventaire Ethnique du Sud-Cameroun* (Institut Français d'Afrique Noire, Douala, 1949), while the same author contributed to M. McCulloch, M. Littlewood, and I. Dugast, *Peoples of the Central Cameroons*, a volume in the *Ethnographic Survey of Africa* (London, International African Institute, 1954). J. Binet has written *Commandement Africain au Cameroun* (Penant, 1954), which discusses some of the effects of recent political and social change on the traditional chiefdoms, and a study of the customary law of land-holding, *Droit Foncier Coutumier au Cameroun* (Le Monde Non Chrétien, 1951). There is an admirable study of "Les Bamiléké," by R. Delarozière, in the *Études Camerounaises,* Vol. 2, 1949. These are published quarterly, by the Centrifan au Cameroun at Douala. A doctoral thesis by Ph. Antoine (Faculté de Droit, 1954) examines Les Sociétés de Prévoyance au Cameroun, from a practical as well as a legal point of view. B. Jouvin contributed a short account of the Representative Assembly to the *Études et Documents du Conseil d'État,* Vol. III (Imprimerie Nationale, 1949), under the title "Les Débuts d'une Assemblée Locale d'Outre-Mer," and T. Hodgkin has published a series of articles in *West Africa* (November 20 to December 18, 1954) briefly discussing political developments since the beginning of the Second World War.

IX. MADAGASCAR

The literature onMadagascar is, considering Madagascar's relative importance in comparison with French West Africa, more considerable both in quantity and quality, though there is a similar lack of academic studies of politics as opposed to the more or less technical discussion of administrative problems. Of the modern general surveys, the best is that of H. Deschamps, *Madagascar* (Berger-Levrault, 2nd ed. 1951), but there are several others of real merit. *La France de l'Ocean Indien,* by R. Decary (Société d'Éditions Géographiques, Maritime et Coloniales, 1951), is the work of a former administrative officer who has made a number of ethnographic studies. O. Hatzfield's *Madagascar* in the *Que Sais-je* series (Presses Universitaires de France, 1951) is marked by a vigorous independence of judgment and is more outspoken on political issues. H. Isnard's *Madagascar* (Collection Armand Colin, 1955) is the work of a geographer and is particularly valuable on agricultural production, both Malagasy and European. It contrives, however, barely to mention the rebellion of 1947. There are two volumes, *Madagascar—Réunion,* in the *Encyclopédie de l'Afrique Française* (Éditions de l'Union Française, 1947). These have chapters by the leading specialists and public officials. Of the older surveys, the best is that by A. You and G. Gayet, *Madagascar, Colonie Française* (Société d'Éditions Géographiques, Maritimes et Coloniales, 1931).

The origins of the people of Madagascar are obscure and there is no doubt that they are ethnically very mixed, though their language and many of the major features of their culture are Indonesian. R. Decary gives a general description of them in *Moeurs et Coutumes des Malgaches* (Payot, 1951). R. F. Gray, *Anthropological Problems of Madagascar* (Northwestern University, Chicago, 1954), is a useful bibliographical survey. There are a number of studies of the various ethnic groups, among which may be mentioned R. Decary, *L'Androy* (2 vols, Société d'Éditions Géographiques, Maritimes et Coloniales, 1930); G. Jullien, *Les Institutions Politiques et Sociales de Madagascar* (2 vols, Guilmoto, 1909), an account of the Merina, the inhabitants of the central plateau who dominated the island before the French conquests; H. M. Dubois, *Monographie des Betsiléo* (Institut d'Ethnologie, 1938); R. Linton, *The Tanala: A Hill Tribe of Madagascar* (Field Museum of Natural History, Chicago, 1933); H. Deschamps, *Les Antaisaka* (2 vols, Imprimerie Pitot de Beaujardinière, Tananarive, 1938); V. Cotte, *Regardons Vivre Une Tribu Malgache: Les Betsimisaraka* (La Nouvelle Edition, 1947); and J. Faublée, *La Cohésion des Société Baras* (Presses Universitaires de France, 1954).

There is at present little sociological, as opposed to ethnographic, work. A useful examination of demographic problems was made by L. Chevalier in connection with certain proposals for the settlement of immigrants from other French territories in *Madagascar: Population et Ressources* (Presses Universitaires de France, 1952, Cahier No. 15 of the Institut National des Études Démographiques). In this book much use is made of district administration records to which the author had access and it includes an interesting discussion of the social and economic background of the rebellion of 1947. *Madagascar: Essai de Planification Organique* (Service Géographique du Haut Commissariat, Tananarive, 1952) is an attempt to set out in elaborate diagrams the social and economic factors to be taken account of in regard to the development of the island. There is a more or less factual description of the island in *Madagascar à travers ses Provinces* (Imprimerie Officielle, Tananarive, 1952) and a comprehensive account of the growth of Tananarive by H. Fournier in the *Mémoires de l'Institut Scientifique de Madagascar* (Serie C, Sciences Humaines, Tôme I, Fasicule I, Institut de Recherche Scientifique de Madagascar, 1952).

There is a large literature concerned with the history of the island before the French occupation, for which reference must be made to the *Bibliographie de Madagascar*, by Grandidier, cited above. The student of government will need to know something of the ideas of Gallieni, which to a large extent dominated French administration down to the Second World War. For these he will be well advised to read Gallieni's own writings, especially *Neuf Ans à Madagascar* (Hachette, 1908) and the selection of them in *Gallieni Pacificateur*, by H. Deschamps and P. Chauvet (Presses Universitaires de France, 1949). There is no definitive study of Gallieni, but there is much of interest in G. Grandidier's *Le Myre de Vilers, Duchesne, Gallieni: Quarante Années de l'Histoire de Madagascar, 1880–1920* (Société d'Éditions Géographiques, Maritimes et Coloniales, 1923). Lyautey, who served in Madagascar under Gallieni, was in charge of the pacification of the southern part of the island and his *Lettres du Sud de Madagascar* (Colin, 1935) are a valuable source of information on many aspects of the early years of the French occupation. Marcel Olivier, who was Governor-General from 1924 to 1929, wrote an account of his administration in *Six Ans de Politique Sociale à Madagascar* (Grasset, 1931), which is especially important with respect to the policy of industrial conscription (or forced labor) which, at a later stage, played a considerable part among the more general predisposing factors in the rebellion of 1947.

Of all the French territories in Africa (North Africa excepted), Madagascar is the only one which has some pretensions to a genuinely "political" literature. This centers on the Malagasy nationalist movement and the rebellion of 1947. *La Situation Politique de Madagascar* (Notes Documentaires et Études, Nos. 713 & 714, La Documentation Française, 1947) contains material on the Second World War, together with speeches by the High Commissioner and the Minister of Overseas France after the outbreak of the rebellion. On the whole, the best published discussion of the origins and nature of the rebellion is in *L'Insurrection Malgache* (Bulletin des Missions, Vol. 24, Bruges, 1950), though this reflects largely a liberal "administrative" point of view. There is a well-informed, though "right-wing French," account of the origins and development of the nationalist movement in Madagascar in H. Benazet, *L'Afrique Française en Danger* (Fayard, 1947). A series of articles dealing with the nationalist movement, the position of Malagasy workers, and the Madagascan problem from a left-wing anti-administration point of view were published in a special number of *Esprit* (Vol. 16, 1948). R. Rabemananjara, brother of one of the leaders of the Mouvement Démocratique de la Rénovation Malgache, has written and himself published an account of the history of the island from a nationalist point of view in *Madagascar: Histoire de la Nation Malgache* (Rabemananjara, 1952) and has also given a somewhat fuller account of the formation and objects of the M.D.R.M. in *Madagascar sous la Rénovation Malgache* (Rabemananjara, 1953). An important and original work which seeks to discover the psychological basis of the rebellion by the use of psychoanalytical materials (analysis of dreams, etc. recounted by Malagasy) and to suggest a general theory of the "psychology of dependence" is that by O. Mannoni, for many years a teacher in the lycée at Tananarive, *Psychologie de la Colonisation* (Éditions du Seuil, 1950). The trials of the nationalist leaders for instigating the rebellion (responsibility for which they have denied) were the subject of much criticism of the *sûreté* in Madagascar and the methods it allegedly used to obtain "confessions." P. Stibbe, *Justice pour les Malgaches* (Éditions du Seuil, 1954), is a book by the leading advocate for their defense which includes a number of extracts from the proceedings of the trial. As the title suggests, this is a polemic in favor of the nationalist leaders. H. de Casseville, *L'Ile Ensanglantée* (Fasquelle, 1948), is a curious little book by the general commanding troops in Madagascar at the time, written in fictional form and violently attacking the administration. The report of the mission which visited Madagascar in 1950 has already been cited.

There is not much published work on the administrative problems of the island since the war, but much of the prewar literature is still of some value, especially in relation to the origins of the rebellion. On labor problems, the book by Olivier, already cited, should be supplemented by M. de Coppet, "Manpower Problems and Prospects in Madagascar," *International Labour Review* (Vol. 59, 1949). The village community or *Fokon'olona* plays an important rôle in Malagasy social organization, especially that of the Merina and the Betsiléo, and an attempt has been made to harness it for purposes of social and economic development. F. Arbousset, in *Le Fokon'olona à Madagascar* (Domat-Montchrestien, 1950), gives an account of its place in Merina society and in French law and administration, and in *Les Collectivités Autochtones Rurales à Madagascar*, Part II (Recueil Penant, 1951) he describes experiments in rural betterment based on these Malagasy bodies but inspired by the experiments in the "modernisation du paysannat" in North Africa. A. Martin, *Les Délégations Économiques et Financières de Madagascar* (Les Presses Modernes, 1939), describes the activities of the prewar consultative assembly in the island, while G. Fénard, *Les Indigènes Fonctionnaires à Madagascar* (Domat-Montchrestien, 1939), gives an account of the origin and development of an important group in the administration. The volume on Madagascar in the Cahiers Charles de Foucauld (6th Series, Vol. 21, 1951) contains an interesting article by P. Radoady-Ralasory on "Les Médecins dans les Relations Franco-Malgaches." O. Hatzfield has discussed "La France Éducative à Madagascar", in *Le Monde Non-Chrétien,* 1949. A well-informed, if somewhat conventionally "colonial" account of French administration and of the problems of the Protestant missions is that by J. T. Hardyman, *Madagascar on the Move* (Livingstone Press, London, 1950). The British occupation in 1942 is described and discussed, from somewhat different points of view, in R. Croft-Cooke, *The Blood-Red Isle* (Staples Press, London, 1953), and by the French Governor-General, A. Annet, in *Aux Heures Troublées de l'Afrique Française, 1939–43* (Éditions du Conquistator, 1951).

The proceedings of the Territorial Assembly and of its permanent committee have been published since its inauguration in 1947 (Imprimerie Officielle, Tananarive), as were those of its predecessor, the Conseil Représentatif, established in 1945. There is, besides the *Journal Officiel,* published since 1885 (Imprimerie Officielle, Tananarive, weekly), a very useful *Bulletin de Madagascar,* which publishes well-informed articles and prepared official statements on economic and social development (Imprimerie Officielle, Tananarive, monthly). The information supplied annually to the United Nations in accordance with Chapter XI of the Charter is issued in mimeographed volumes but is not published. *La Situation Économic et Sociale de Madagascar* (Notes et Études Documentaires, Nos. 1799–1801, La Documentation Française, 1953) is an official assessment at the end of 1952. The first volume of an *Annuaire Statistique de Madagascar (1938–1951)* was published in 1954 (Service de Statistique Générale, Tananarive) and a *Bulletin de Statistique Générale de Madagascar et Dépendances* has appeared quarterly since 1949 (Imprimerie Officielle, Tananarive). Annual reports in the carrying out of the development plans have been published since 1951 under the title *Plan déccenal D'Équipement Économique et Social: Rapport d'Exécution de la Section de Madagascar* (Imprimerie Officielle, Tananarive).

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BOOK REVIEWS

Marxism: Past and Present. By R. N. Carew Hunt. (New York: Macmillan Co. 1954. Pp. xi, 180. $2.75.)

Marxism: The Unity of Theory and Practice; A Critical Essay. By Alfred G. Meyer. (Cambridge, Mass.: Harvard University Press. 1954. Pp. xx, 181. $3.50.)

Democracy and Marxism. By H. B. Mayo. (New York: Oxford University Press. 1955. Pp. xi, 364. $4.00.)

German Marxism and Russian Communism. By John Plamenatz. (New York: Longmans, Green and Co. 1954. Pp. xxiii, 356. $4.25.)

In the two decades between World Wars I and II, the main threat to the free world was fascism, merged with the imperial ambitions of Germany, Japan, and Italy. For a time, fascism was so successful that even in democratic states it was hailed by some as the "wave of the future" which would irresistibly conquer all rival creeds and powers. World War II destroyed the military ambitions of the fascist Axis. The strains and stresses of war revealed the hollowness of fascism's claim to have inaugurated a new way of life that combined scientific and industrial efficiency with youthful and dynamic herosim.

Yet World War II was hardly over when communism emerged as the new, and principal, enemy of democracy. At the end of World War I, when Russia was the only communist state in existence, and when her industrial and military power seemed to be low, communism was generally interpreted as a specifically Russian phenomenon without much practical applicability elsewhere. But the defeat of the *Wehrmacht* by the Russian armies in World War II revealed the extent to which the strength of Communist Russia had been underrated. When the war was over, Russia was the dominant military power in Europe, and she quickly communized Eastern Germany, Eastern Europe, and the Balkans. Though the Russian armies were the principal instruments in spreading communism, the force of communist ideology was of substantial significance. Whereas fascism did not possess a single creative or constructive idea that went beyond crass national egotism and lust for power, communism—unhampered, in particular, by the deadly burden of fascist racialism—addresses itself to the world as the true heir of the libertarian, equalitarian, democratic tradition. Also, whereas fascism proudly proclaimed its "pagan" character in relation to the democratic way of life, which it rejected *in toto*, communism appears more "heretical" in terms of the democratic tradition: it professes to accept the democratic ideals of liberty, equality, and fraternity, and its charge against Western democracy is not, as was the charge of fascism, that democracy is too faithful to its ideals, but that it has, in fact, betrayed them. Just as in religion paganism tends to be less dangerous than heresy, because the former rejects truth in its entirety, whereas the latter mingles the true with the false, so communism is, in the long run, much more dangerous than fascism ever was, precisely because communism arrogates to itself important elements of the democratic tradition, distorted and perverted as they appear in the reality of communist life.

Communism cannot therefore be simply dismissed as another eruption of "Asia" into the West. Karl Marx and Frederick Engels derived their main inspiration from the study of German philosophy, British economics, and French revolutionary politics—and not from the social philosophy of Outer Mongolia or the political economy of Afghanistan. The Western struggle with communism is not against a geographical entity, but against a way of life which knows of no geographical (or racial) barriers. Unless one is fully aware of the fact that Marx is not an ideological meteor, erupting from outer space and exploding on an otherwise peaceful earth, but that all the elements of his thought are organic links in the main strands of the Western tradition, it will be difficult, not to say impossible, to analyze critically the whole system of Marxism in an intelligent and fruitful way. What was new in Marx was the way in which he combined individual ideas into a whole system, rather than the originality of the ideas making up that system. Moreover, Marxism has also served for many of its adherents as a sort of religion, which complicates *ab initio* any attempt to deal with it in terms of purely rational consistency or logical validity. The theory that communism is solely the product of conspiracy and terror is the product of self-deception, and is potentially very harmful. Men embrace communism, despite its known violence and ruthlessness, when no peaceful ways of social change seem to be left open, when the resources of patience, compromise, and reason appear exhausted. The Utopian element in Marxism and communism appeals particularly to those who are most in need of it, the desperate, despondent, and derelict who seek a new faith. Marxism is to them not "scientific socialism," but a religion.

Until quite recently, critical analyses of Marxism were aimed chiefly at Stalin, whose main shortcoming (not only in the eyes of out-and-out Trotskyites) seemed to be his betrayal of Lenin. More lately, the awareness has grown that much of what Stalin thought and did fitted into the Leninist heritage, and that it would be futile to exaggerate differences of detail between Lenin and Stalin at the expense of their similarity of outlook with respect to fundamentals. Now we are more and more reaching the stage where the last barrier of differentiation in the traditional study of Marxism is gradually being subjected to critical analysis: the theory that Marx was a democratic liberal at heart, only to be sadly betrayed by Lenin the despot. All four books reviewed here perform an important service for serious students of Marxism by boldly attacking Marx and Marxism (rather than Lenin or Stalin) as the principal sources of the communist totalitarian creed, which (despite occasional moments of relaxation at Big Four meetings at Geneva or garden parties at the Kremlin in Moscow) confronts the free world with a challenge more momentous and fatal than any it has hitherto had to face.

R. N. Carew Hunt is well known to students of Marxist theory as the author of an earlier book, *The Theory and Practice of Communism* (1950). In it, Hunt gave a trenchant analysis of Leninism and Stalinism against the background of Marxist thought and the development of European socialism up to 1914. One of the reasons why Hunt felt impelled to write the new volume on Marxism was, as he candidly states in the preface (p. v), his tendency in the earlier book to be too "indulgent" to Marx and Engels. The purpose of his new book, *Marxism: Past and Present,* is to redress the balance, and to demonstrate that the continuity between Marx and Lenin-Stalin is more organic and uninterrupted than many non-communist Marxists (or even non-Marxists) still widely assume.

When Hunt speaks of Marxism in the present, he has in mind the Moscow version of Marxism exclusively. Had he gone more deeply into other—non-Leninist-Stalinist—recent and contemporary approaches to Marxism, the author would have been able to present some of the more complex facets of Marxism, which are barely touched upon in the present volume. Thus, to take but one illustration, the life and thought of Karl Kautsky, the outstanding Marxian theoretician on the European continent for almost 40 years, receive altogether inadequate attention. Kautsky's evolution from revolutionary Marxism to unflinching anti-Leninism is one of the most interesting chapters in the history of Marxian thought; Hunt's brief summary of this development (p. 169) is not so much factually erroneous in specific points as it is highly oversimplified—largely because of the lack of space to develop an important theme in a manner worthy of its intrinsic significance.

Similarly, the author charges that "although Soviet policies have aroused the hostility of the West, all socialist parties have contained groups prepared to support or at least to condone them, as is only to be expected in view of the Marxist heritage which the socialists and the communists share" (p. 173). This is another illustration of presenting things in a somewhat distorted perspective, partly because of lack of space, and partly perhaps because of a tendency to identify Marxism with socialism. To say that *some* (or *many*) socialists *accepted* in the past some key elements of Marxian doctrine, would be an oversimplification, but one which would be substantially correct. But to say that *the* socialists *share* with communists (now) the Marxian heritage is an oversimplification which, as presented, is undoubtedly more untrue than true.

As usual, Mr. Hunt's style is clear, forceful, and vigorous, apart from occasional lapses into ugly, pseudo-scientific jargon (e. g., "economic restructuring," p. 174), a jargon which originated in Germany and more recently has become a serious threat to American social science, but which so far has been successfully resisted by British scholars. Mr. Hunt's ability to master, and present, complex subjects in clear language is particularly apparent in the first four chapters of *Marxism: Past and Present,* in which he deals with the philosophical foundations of Marxism, such as dialectics, materialism, and determinism. These dreary tenets of the Marxian theology are analyzed by Hunt with considerable skill and liveliness, and the beginning student of Marx in particular will owe a debt of gratitude to the author for having reduced pseudo-philosophical pomposities to plain, intelligible English. However, it may be argued that Mr. Hunt devoted too much space (four out of ten chapters) to the philosophical background of Marx' thought. Whatever claim to greatness or originality Marx had was founded on his contribution to political economy, not philosophy. Philosophical materialists and idealists have attacked capitalism for reasons which have little to do with their metaphysics, and most, if not all, of Marx' economic interpretation of history and his theories of class war and revolution can be accepted, or refuted, without reference to his philosophical beliefs. Mr. Hunt does an excellent job in showing the inherent logical, philosophical, and moral inconsistencies in the main social, economic, and political doctrines of Marx, and he always manages to blend theory and practice into a coherent scheme of analysis. And while the present volume is devoted chiefly to Marx, the author nevertheless rightly points out how the Marxian theories of state and economic organization have worked out since the death of Marx.

Mr. Hunt makes no bones as to where he stands ideologically and philosophically in dissecting Marxism. His general viewpoint reflects British common sense at its best, combined with a staunch liberality of outlook; in substance, Mr. Hunt is consistently firm, without being devoured by hatred or fanaticism. In manner of thought and expression, the author is moderate, and frequent flashes of dry and gentle humor illuminate his writing.

One major gap in Mr. Hunt's approach to an overall historical evaluation of Marxism is the relatively slight attention paid to Marxian economics. Since the days when Marx first formulated his concepts of value, surplus value, capital accumulation, and exploitation of labor, professional economists have argued, and will continue to argue, how sound Marxian economic theory is in terms of verifiable economic observation and behavior. However, what is even more important, from the viewpoint of the political scientist at least, is that those Marxian economic theories—frequently in a popularized and vulgarized fashion—became powerful political weapons in the arsenal of revolutionary movements throughout the world, in Europe and, even more, in the underdeveloped areas of the other continents. Whereas Marx' dialectical materialism may have appealed to intellectuals in search of a new philosophy or faith, Marxian economics, in a simplified and sloganized version, had a tremendous appeal to masses of people for whom dialectical materialism must remain another manifestation of black magic. Yet despite such shortcomings, Mr. Hunt's *Marxism: Past and Present* is likely to establish itself as a reliable brief guide through the labyrinths of Marxian ideology, particularly with regard to its philosophical and historical doctrines.

Like Hunt, Professor Meyer has been led to the study of Marxist theory through a preceding study of Leninism; his *Marxism: The Unity of Theory and Practice* is a short book which is in some respects more general than Hunt's book, and in some respects more specialized. The book assumes a considerable familiarity with Marxism, and it does not purport to present a general analysis of Marx's thought, but is rather concerned with a few selected issues of a fundamental nature. The author does not deal helter-skelter with the vast *corpus* of Marxian doctrine, but organizes his approach in a manner which shows both intellectual acumen and a perceptive mind strong in both analysis and synthesis.

Part I takes up two-thirds of the book, and is entitled "Exposition." The *leitmotif* of Part I of the book is that Marxism must be understood in terms of three principal characteristics. In addition to its aspiration to being social science, Marxism has two elements which have nothing to do with that aim: first, a political or moral attitude of radical criticism of social reality, and, second, "a faith which is essentially metaphysical: an unshakable belief in progress" (p. 45). The contradictions between these basic aspects of Marxism are the main theme of Professor Meyer's investigations. After a brief discussion of materialism and determinism, the author turns to a more detailed analysis of Marxian dialectics, which he analyzes and defines as a conceptual framework of functional thought. Borrowing from contemporary sociological analysis (Parsons and others), Professor Meyer argues that the functional analysis of society has much in common with Marx's dialectics and with some basic aspects of his economic interpretation. Much that the author has to say on this subject is interesting and penetrating, and it is therefore to be doubly regretted that, in making use of modern sociological analysis for the analysis of Marxian dialectics, he has also taken over much of its obtuse jargon, which characteristically emphasizes the obvious in inflated verbosity, while simultaneously lessening or concealing original or provocative ideas.

In discussing the second aspect of Marxism, its radical criticism of existing social reality, Professor Meyer relates Marxian thought to the broader framework of European thought in general, and to German thought in particular. The author emphasizes the key importance of Marx' concept of "alienation," and shows to what extent it derives from a more general cultural and literary situation of the nineteenth century, and in what way it is distinct from more contemporary approaches to the problem of alienation. As to the third basic aspect of Marxism, faith in inevitable progress, Professor Meyer manages again to show how Marxian thought evolved from, and was related to, a broader tradition in the West. One of the strands picked up by Marx from that humanist tradition, writes the author, "is an idealized image of natural man unspoiled by civilization, an idea of an altruistic, cooperative, kind, social animal with a child-like, sunny disposition" (p. 74). Yet Marx did not wish to go back to a golden age of the past, but looked forward to the future good society.

Professor Meyer shows the contradictions between Marx's faith in progress through rational use of intelligence and his concept of alienation, in which man's inborn intelligence is stultified and frustrated by distorted economic forces, such as capitalism. These internal ideological contradictions of Marxism are more fully spelled out in Part II of the book, entitled "The Disintegration of Marxism." In this last third of his work, Professor Meyer traces the development of European Marxism from 1848 to date, and shows to what extent it has been challenged from within as well as from without. The author argues that the decline of Marxian doctrine is but one instance of the vanishing outlook of the nineteenth century with its conviction that science could both demonstrate the inevitability of progress and lead mankind along that road of progress. In this century, the author says, we have become more "stoical," and "we have no faith in any class, group, or nation, to deliver us from evil" (p. 147). In his concluding remarks, Professor Meyer notes many important parallels between the declining influence of both liberal and Marxian ideas; while such parallels contain an element of truth, they will seem overdone to some readers of the book.

In the preface to his *Democracy and Marxism*, Professor H. B. Mayo, a Canadian political scientist, frankly admits that he lacks one valuable asset in being an expert on communism, namely, former membership in the Communist party. However, he does not seem to feel overly depressed by that fact, because in his view ex-communists are less reliable guides to an understanding of democracy, "although by some curious gap in reasoning, being anticommunist is always taken as a guarantee that one is a democrat. How short are our memories of Hitler!" (p. ix). As the title suggests, the author starts out from the premise that the ideologies of democracy and communism are the two main protagonists for the mind of man in the world of today, and he therefore considers it necessary to re-evaluate the main principles of democracy in their relation to the key concepts of Marxism. Like Hunt and Meyer, Professor Mayo conceives of Marxism today largely in the version of the "Moscow orthodoxy"; this simplification omits much that would be interesting from the viewpoint of the student of the history of ideas, yet is probably defensible from the viewpoint of political effects. Occasionally, there are references and brief comments on non-Moscow versions of Marxism today, such as on Titoism, but such references are all too short to do justice to their subject. Had the author gone more deeply into Titoism and perhaps Trotskyism, his whole analysis might have gained in subtlety and complexity.

In his first chapter, Professor Mayo extensively describes, analyzes, and refutes dialectical materialism, the underlying philosophy of Marxism. After 35 pages of painstaking and patient reflection, the author concludes that Marx' dialectic of nature is totally irrelevant, and "consequently why Marxism contributes nothing to perception, philosophy, or science" (p. 36). One wonders whether he might not have arrived at the same conclusion—and with equal conviction for himself and his readers—after a briefer journey. Another aspect of Marxian theory, its claim to be scientific, more rightly deserves the detailed attention which the author devotes to it in Chapter VI.

As always, Professor Mayo treats his material with admirable fairness and sense of proportion, and while conceding that there is an element of truth in Marxian social analysis, he feels that the tragedy of Marxism consists in the fact that this element "has been elevated into dogma, a process which began with Marx himself in his self-confident youth" (p. 220). Similarly, the chapters on the economic interpretation of history and Marxism as a philosophy of history are well-balanced both in stating accurately the Marxian position and in presenting its analysis and critique from the viewpoint of a reasonable, reflective liberal mind *sine ira et studio*.

Professor Mayo's chapters on the class struggle, the dictatorship of the proletariat, and the relationships of Marxism to morality and religion are even more interesting to the student of political thought than is his treatment of the more philosophical aspects of Marxism. Particularly, his chapter on Marxism's relations to morality and religion contains many thoughts which are illuminating and provocative. The author not only comments on the Russian Orthodox Church, but also makes some very shrewd and penetrating remarks on the vulnerable position of many religions and churches in the West with regard to the issues posed by industrial capitalism, and so long neglected by the churches. Probing more deeply, however, Professor Mayo finds that the gulf that separates Marxism from Western religions is due not so much to different approaches concerning the social problem as to the much deeper spiritual differences concerning the conceptions of the nature and destiny of man.

The last two chapters deal with democracy and its relation to Marxism. The chapter on democracy, while not containing anything strikingly new, is a fresh and useful summary of the various approaches—moral, political, and economic—toward an integrated theory of democracy. The author's comments on the relations of democracy to forms of economic organization, be they capitalist, socialist, or a mixture of the two, are timely and free from hysteria and bias. He also devotes considerable attention to the problem of what to do with subversive, revolutionary parties in Western democracies. This is a complex issue, for which there are no final answers valid under all circumstances, and Professor Mayo successfully avoids any extreme positions or solutions. His words of warning, coming from a friendly student and observer of the United States, express his anxiety lest a "creeping miasma of intimidation" spread throughout the free world under the guise of anti-communism: "The totalitarian and conformist spirit is abroad in the West, notably in the United States, a country where above all others it should find no home, a country whose chief traditions are dissent and variety. It is sad and disturbing to see the wealthiest and most powerful liberal society in the world so lacking in a sense of security and self-confidence that it appears to all its friends abroad to be frightened far more by 'subversive' ideas than by the real danger of espionage" (p. 317).

All in all, Professor Mayo's book is a welcome contribution to the study of Marxism; it is broader in scope than either of the two books reviewed above, and it will appeal to the general reader or the beginning student of Marxism and communism, who wants to know what it is all about, and how the liberal democrat can most intelligently and effectively meet the ideological challenge of Marxism and communism. The style of the book lacks perhaps fire and verve, but it gradually builds up strength on the scores of clarity, fairness, restraint, and moderation. It is not simply another book on, or against, communism, but an appraisal of some of the most pressing spiritual, social, and political problems of our day in the light of the great ideological antagonism that pervades the contemporary world.

John Plamenatz' *German Marxism and Russian Communism* overlaps to some extent the material covered in the three volumes reviewed above; yet such overlaps do not minimize the importance of the book, as its principal aim is rather different from that of the other three works. What Mr. Plamenatz (a teacher of political philosophy at Oxford University) tries to do is two-fold: first, to show how Marxism, despite its liberal origin, has come to deviate from that source; second, to examine what happened to German Marxism following its spread to the most backward of the great European states, Russia, both before and after the Bolshevik Revolution of November, 1917. It might be argued that the author overstates the liberal origins of Marxism; although such links undoubtedly exist, Marx's opposition to that heritage, rather than his indebtedness to it, is possibly the more important factor in an appraisal of Marxism. Mr. Plamenatz holds that what makes Marxian social theory an alien and repugnant creed to Englishmen, Frenchmen, or Americans, is not so much the doctrinal content of Marxism as the kind of emotions expressed through it. This view is defensible up to a point, but on balance probably more wrong than true. German Marxism has historically differed as much from Western socialism as the whole German political tradition, its institutions and ideas, have from the Western political tradition. If Mr. Plamenatz were to study the history of German liberalism as contrasted with that of English liberalism, he would find that the differences were not much less than in the case of German Marxism in relation to Western socialism.

Unlike most other writers on Marxism, who heroically wade through the morass of Marxian philosophy, particularly dialectical materialism, Mr. Plamenatz has the courage of his conviction to state quite frankly that he has no intention to do so, because "Marx's philosophy, as distinguished from his theory of society, is not worth discussing" (p. 9). The author does not stick literally to this approach, but contents himself with analyzing only the very basic points raised by dialectical materialism for the professional student of social, economic, and political problems. In the opinion of this reviewer, Mr. Plamenatz is quite right in emphasizing that there is no necessary connection between Marx' philosophical materialism and his economic interpretation, and that, in any case, Marx was no philosopher, although in the fashion of contemporary German intellectuals, he dabbled in philosophy, particularly as authoritatively expounded by Hegel.

Briefly disposing of the philosophical foundations of Marxism, Mr. Plamenatz devotes the bulk of Part I to Marxian theories of politics and economics. The material is systematically arranged, and the author examines how the economic and political analyses and predictions of Marx have worked out in practice, in his own life-time as well as in the subsequent period. One of the most valuable sections in the first half of the book dealing with German Marxism is the chapter on "The Marxian Analysis of Capitalism." Here, the author covers much ground in greater detail than any of the three books reviewed above. Though Marx's account of the capitalist system, the author concludes, "will not bear too close analysis, it is something altogether more impressive than historical materialism. It is more impressive because it is more humane, because it is inspired, not by German metaphysics, but by pity and indignation" (p. 114).

Before turning to the migration of German Marxism to Russia, Mr. Plamenatz examines "The Decay of German Marxism." In this relatively brief chapter, he shows both the loss of vitality and relevance of Marxism throughout the late nineteenth and early twentieth centuries in Germany, and how the German Social Democrats were unable to resolve the conflict between verbal incantations of Marxian dogmas and the needs and policies of real life. Mr. Plamenatz thinks that the German Social Democrats would "have done well to follow the lead of Bernstein, for, had they done so, they might have become resolute Revisionists and not remained irresolute Marxists" (p. 184). Though the conditions for a proletarian revolution existed in Germany, at least as seen by Marx, there was no desire among the workers to make it; conversely, Mr. Plamenatz argues, precisely because the "objective" conditions for a successful proletarian revolution as envisaged by Marx did not exist in Russia, "Lenin was able to seize power in the name of Marx and the proletariat" (p. 187).

In dealing with German Marxism, the author devotes most of his attention to a critical evaluation of the main ideas inherent in Marxism, providing only a minimum of historical and social background. In dealing with Russian communism, by contrast, Mr. Plamenatz follows the opposite method: he gives a very full picture of the social, economic, and political conditions in Russia in the late nineteenth and early twentieth centuries, and then shows how the ideas of Marx were transplanted to Russia and used by a group of revolutionaries bent on the conquest of political power. Mr. Plamenatz feels that this difference of approach is justified, because he considers Marx a thinker of major importance but is unable to do so in the case of Lenin, whom he considers no more than a practical politician and successful revolutionary leader. This difference of approach has its merits, although—in the opinion of this reviewer at least—Mr. Plamenatz overstates his case. While nearly every non-communist will agree with Mr. Plamenatz that Joseph Stalin was completely unimportant as an original thinker, and that he did not make a single contribution to the theory of Marxism, there will be more disagreement concerning Lenin. Mr. Plamenatz dismisses Lenin's concept of the professional revolutionary, as first expounded in his pamphlet *What Is To Be Done?* (1902), in a manner which sharply conflicts with the opinion of the majority of present-day students of communism. Moreover, it is doubtful whether communism could have appealed to so many in the underdeveloped countries had it been presented to them in the original Marxian version rather than in the Leninist transformation. This communist challenge to the free world via the underdeveloped areas has long been underestimated, and one need not follow the General MacArthur-Senator Knowland school of thought to comprehend the danger of underestimating the impact of Leninist communism on Asia and Africa in particular.

Concerning the possibility of coexistence with communism, Mr. Plamenatz attributes to the leaders of world communism an international outlook which some readers will find a little too optimistic. Mr. Plamenatz' general conclusion is that the best hope for staving off conflict is for the Western countries to put their own houses in order, to build up strong economic systems resting on sound and equitable social foundations, and to lend generous assistance to Asian and African peoples, so as to make them less vulnerable to the impact of communist propaganda. Few will quarrel with his general viewpoint that, in the long run, the best answer to communist propaganda is, not more counter-propaganda, but the living example of a free world, morally conscious of its purpose, economically healthy, socially just, and militarily strong.

All four books reviewed above, fair and scholarly as they are, tend to emphasize what is wrong with communism, particularly its ideological foundations. The question of how ideas so manifestly dogmatic, contradictory, and erroneous can exercise such a tremendous appeal to so many is largely left unanswered. As yet, we know very little of the psychological motivations inducing an individual to embrace communism, or of the social forces which incline groups, classes, and nations toward the communist ideology. The conventional study of political theory may not suffice in trying to find answers for such questions, and new resources and disciplines, new types of inquiry and research may have to be used.

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The Commission on Intergovernmental Relations: A Report to the President for Transmittal to the Congress. (Washington: Government Printing Office. 1955. Pp. xi, 311. $1.25).

A Description of Twenty-five Federal Grant-in-Aid Programs (Pp. vii, 179); *A Staff Report on Civil Defense and Urban Vulnerability* (Pp. viii, 35); *A Staff Report on Federal Aid to Airports* (Pp. viii, 137); *A Study Committee Report on Federal Aid to Agriculture* (Pp. vii, 38); *A Study Committee Report on Federal Aid to Highways* (Pp. viii, 40); *A Study Committee Report on Federal Aid to Public Health* (Pp. viii, 53); *A Study Committee Report on Federal Aid to Welfare* (Pp. ix, 115); *A Study Committee Report on Natural Resources and Conservation* (Pp. vii, 35); *A Study Committee Report on Payments in Lieu of Taxes and Shared Revenues* (Pp. ix, 197); *A Sub-Committee Report on Natural Disaster Relief* (Pp. vii, 34); *A Survey Report on The Impact of Federal Grants-in-Aid on the Structure and Functions of State and Local Governments* (Pp. vii, 489); *An Advisory Committee Report on Local Government* (Pp. vii, 62); *Summaries of Survey Reports on The Administrative and Fiscal Impact of Federal Grants-in-Aid* (Pp. xi, 120). SUBMITTED TO THE COMMISSION ON INTERGOVERNMENTAL RELATIONS. (Washington, D.C.: Government Printing Office, 1955.)

To an outside observer it has always seemed surprising that Americans for so long have, apparently, taken their federal system for granted. The Australians, after a little more than 25 years' experience with their federal Commonwealth, set up a royal commission to inquire into its working;[1] the Canadians did the same, though after a much longer period of 70 years.[2] Many Australians and

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[1] Appointed 1927; reported 1929.

[2] Appointed 1937; reported 1940. Known as the *Report of the Commission on Dominion-Provincial Relations* (Rowell-Sirois Report).

Canadians believe that their federal systems are out of date and ought to be abolished, that unitary government with some measure of provincial decentralization would work better. And, although Canadians—and Canadian politicians particularly—know that they cannot abolish federalism until Quebec acquiesces, in Australia a major political party which has held office—the Labor party—has the abolition of federalism as a plank in its platform. Yet can we conceive of such a plank in the platforms of the two great American parties, comprehensive and all-embracing as those documents usually are? American politicians would be as likely to advocate the abolition of monogamy as they would the abolition of the federal system. Indeed, their attitude—and that of most Americans—to both institutions is much the same. They know that a few cranks believe in their abolition; they admit that there are minor and even major infractions of the legal principles of both; but in the end they assert that they believe in these institutions and that they must be regarded as sacrosanct.

Nor, in my view, is there any necessary lack of political wisdom in this American attitude toward federalism. After all, a people which fought a war between the states about the meaning of federalism will appreciate the commonsense of leaving these things well alone. Yet the student may be pardoned for regretting that the country which invented federal government as we understand it today and which produced, in the *Federalist* papers, the most penetrating and the best written analysis of federalism, chose to remain silent on the subject thenceforward. Thus it was that the appointment of the Commission on Intergovernmental Relations in 1953 was received with great satisfaction by many people outside the United States who, while agreeing with the opening words of the Commission's Report that "the United States has made a major contribution to the art of government by its successful operation of a federal system," (p. 1), would feel also that, again in the Commission's words, "even in the country of its origin, our federal system may still be regarded as an experiment, although we have the oldest representative republic in the world" (p. 12).

And now that the Commission has completed its labors, students not only of federalism but also of political science everywhere have great cause for satisfaction. In the Commission's Report itself, but even more in the 15 accompanying volumes of special study reports, an enormous treasury of valuable material has been displayed which will occupy and enlighten those who really wish to know how American federalism works for many years to come. Senator Morse, a member of the Commission, in a dissenting note to the whole Report remarked: "it is my view that Part I of the Report will prove to be a very valuable reference work in political science and law courses given in colleges of the United States" (p. 277). Praise of this kind from a practical politician is, perhaps, faint praise and could not be expected to give great pleasure to his colleagues on the Commission. But as an academic student I am prepared to adopt his words and to extend them beyond Part I, which is a masterly survey of the leading elements in American federalism, to Part II, where intergovernmental functional responsibilities are considered, service by service, and I extend them still further by saying that this Report should be required reading for students of political science and law, and indeed of sociology, public finance, and economics in many countries other than the United States. We can be sure, in fact, that it will be studied with great care in universities as far apart as Canada and India, Nigeria and Australia, the British West Indies and the Gold Coast. Whatever its political fate may be, its academic interest and influence are assured.

It is impossible in a short review to deal with all the issues which so wide-ranging a Report must raise, and I must select. May I begin by recording two points which the Commission emphasized more than once and which struck me with startling force. The first might be called the decline or, if you like, eclipse of the Supreme Court as a major factor in preserving the federal system. "Under present judicial interpretations of the Constitution, especially of the spending power and the commerce clause," the Commission wrote, "the boundaries of possible National action are more and more subject to determination by legislative action. In brief, the policymaking authorities of the National Government are for most purposes the arbiters of the federal system" (p. 59). We have gone a long way from the observation of Alexander Hamilton that "it will always be far more easy for the State governments to encroach upon the national authorities, than for the national government to encroach upon the state authorities."[3] The survival of the states depends apparently upon the self-restraint of the national government.

But are the states fit to survive? Hamilton spoke of the greater degree of influence which the state governments will generally possess over the people "if they administer their affairs with uprightness and prudence."[4] And it is on this subject that the Commission makes the second point which impressed me. State government is in great need of reform. Too few have responded to the call to revise their constitutions, to modernize their legislative processes and procedures, to reörganize their executive branches, to make more extensive use of interstate compacts and other methods of interstate cooperation, to reorganize their tax systems, to maintain adequate planning and resource agencies, and to extend home rule to their political subdivisions. Nowhere in the democratic world has the decline of legislatures, of which James Bryce wrote 30 years ago in his *Modern Democracies*, been more marked than in the American states. "In the early history of our country," says the Commission in its Report, "State legislatures were the most powerful and influential instruments of government in the Nation. It was to them that the average citizen looked primarily for initiative and wisdom in the formulation of public policy on domestic issues. They overshadowed the other branches of State government. In power and influence they are no longer as dominant as they were, partly because of the ascendancy of the National Government, partly because of the increased influence of the State executive, but primarily because they have not found effective solutions to problems that become more chronic and more difficult to cope with in a rapidly changing society" (p. 38).

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[3] *The Federalist*, No. XVII.

[4] *Ibid.*

In the face of these two formidable facts of American federalism—the abandonment by the Supreme Court of its role of arbiter of the federal system[5] and the disorganization of state government—at least two lines of thought can be followed. The first is to accept the situation and to acquiesce in the decline of the states into administrative provinces of a national government and to see the future reorganization of American government along lines of functional regionalism such as T.V.A., or interstate organizations sponsored and coordinated by agencies and departments of the national government, improvising new institutions and techniques as new situations arise. Already, as many of the study group reports made for the Commission illustrate, there are examples of this way of proceeding, and the future might see them further developed. We need not envisage that the states will wither away, but in the planning of administration, they need be regarded as no more than one among a number of possible institutions through which the decentralization of administration may be organized.

To an academic outsider there is nothing necessarily defeatist or excessively centralizing in this line of thought. But it was not to be expected, I suppose, that it would appeal to the practiced and practicing politicians among the Commission's members. They chose the view that the states must be made fit to survive as units in a federal system. "Experience amply justifies the view," they said, "that our federal system, with the degree of flexibility that it permits, can be adapted to the crises of the present and future as successfully as it has been to those of the past." "The enduring values of our federal system fully warrant every effort to preserve and strengthen its essence" (p. 3). Not even Senator Morse in his strong dissenting note, where he asserts that the Report "goes too far in playing down the doctrine of federal sovereignty" (p. 278), is prepared to say that the federal principle is obsolete. Yet reading between the lines of that note one sees that he is prepared for considerable modification so that "the several states and the federal government should approach issues involving national interests on a co-ordinated and co-operative basis." "We cannot escape the fact," he writes, "that the general welfare of our people as a whole cannot be dissected according to state lines" (p. 279).

One can see the difficulties which confronted the majority of the Commission and discouraged them from making recommendations with the emphasis which Senator Morse desired. After all the states are not merely legal facts, they are political facts, they are strongly organized units of party politics. Yet it must be admitted that when the Commission comes to make specific recommendations to ensure that the federal principle may work as a reality, they are obliged all too often to fall back upon vague generalizations and aspirations. States and national governments are urged to behave better. "A fundamental objective of our system of government should be to keep centralization to a minimum and

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[5] See statement by Governor Driscoll and other members of the Commission on this point, p. 60, note 2.

State-local responsibility to a maximum" (p. 116). "The Commission believes that each State should undertake a searching reappraisal of its fiscal policies" (p. 117). " . . . particular care should be taken that Federal requirements extending to matters of State administrative structure and organization do not impede responsible and efficient State administration" (p. 139). And so on. A fine collection of hortatory maxims and earnest hopes could be amassed by the connoisseur of such language.

And yet what else could be said, once it was decided that the traditional structure must be accepted and somehow made to survive and to work? And, of course, there are specific recommendations in great numbers in Part II of the Report as the various services where state and federal authorities encounter each other are examined. But the general impression of the whole Report is that the Commission was forced to recognize that the clock could not be put back. The national government has been delivering the goods—goods which, left to themselves, state governments could not or would not deliver alone. Alexander Hamilton wrote: "Upon the same principle that a man is more attached to his family than to his neighbourhood, to his neighbourhood than to the community at large, the people of each State would be apt to feel a stronger bias towards their local governments than towards the government of the Union; *unless the force of that principle should be destroyed by a much better administration of the latter*."[6] The wisdom of this last proviso is strikingly illustrated by the trends in American federalism in this century. One valuable effect which the Report may have is to send its academic readers, at least, back to the *Federalist*. What wisdom and prescience its authors exhibited; what clarity and perception and profundity, what common sense! And how superbly they wrote English in those days!

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Essays in the Public Philosophy. By WALTER LIPPMANN. (Boston and Toronto: Little, Brown and Company. 1955. Pp. xiii, 189. $3.50.)

Walter Lippmann's latest book will be read by everyone who is concerned with the current state of American political philosophy. The author's views have not changed greatly with the passing of years, and there is little here that is not already to be found, by statement or by implication, in *The Good Society* and other earlier works. But the economic preoccupations which loomed so large in the writings of the depression period no longer occupy the center of the stage, and the focus of the present work is clearly political. At the present juncture of history the capacity of the free world to withstand the pressure of totalitarian competition would seem, for the time being at least, to be more severely challenged on the political than on the economic front. This has led Lippmann to formulate, more clearly and succinctly than ever before, the basic elements of his political creed. Although the present book is short, it is compactly written in the clear and graceful style for which the author is so justly famous, and it manages, in a short compass, to cover a great deal of ground. It will therefore serve as an admirable summary of, or for those who come to it afresh, as an equally admirable introduction to the political philosophy of one of the more influential and honorable guardians of the contemporary American conscience.

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[6] *The Federalist*, No. XVII. My italics.

This political philosophy is essentially a conservative one. This is said in all deference, and in full knowledge of the fact that Lippmann himself disowns this designation. At a time when all sorts of demagogic nonsense are being passed as true conservative coin, it is understandable that a man of good will should want no part in the game. But the word conservative, though sadly depreciated, is not intrinsically unrespectable. There have always been people, including many people of intelligence, who valued quality above quantity, and who believed that traditionally organized elites are indispensable to the maintenance of qualitative values in a society threatened by the weight of mere numbers. Such people have normally been known as conservatives. Walter Lippmann is one of them.

In *The Public Philosophy*, as in most of his other works, the author's basic problem is to reconcile his continuing commitment to the procedures of constitutional democracy with his profound disbelief in the political capacity of ordinary men. Some 30 years ago, in *Public Opinion* and *The Phantom Public*, this disbelief was already clearly present, and if anything it has grown stronger with the passing years. The general run of men, when left to their own devices, are intellectually incapable of seeing what needs to be done, and morally incapable of subordinating private to public interests. But the trend of modern constitutionalism has been to place decisive powers in the hands of mass electorates. Lippmann recognizes the impossibility of reversing this trend, and explicitly disclaims the wish to see anyone deprived of the right to vote. How then can constitutional democracies be kept from succumbing to the selfishness and incompetence of voters?

Enlightened leadership, and more particularly enlightened executive leadership, is Lippmann's solution to the problem. From the standpoint of actual decision-making, electorates are hopeless, and their legislative representatives, whose functions are largely those of agents or advocates, are little better. In any given time and place, however, there may be men of outstanding knowledge and character who, by reason of their superior intellectual gifts and training, are able to perceive and satisfy the needs of society in a spirit of disinterested public service. Such people are characteristically to be found in the executive and judicial branches of government. The courts, the civil and military services, the scientific and technical services, and other like organizations are traditional bodies guided and inspired by standards of professional competence and objectivity. Even when the chief executive, as under the conditions of modern constitutional democracy, is an elective officer, he is not or ought not to be reduced to the plight of a mere legislator. "Though it is not too well recognized, there is a radical difference between the election of an executive and the election of a representative" (p. 53). The reason is that "the executive is in honor bound not to consider himself as the agent of his electors," but to devote himself to the best of his abilities to the interests of the country as a whole. The ideal constitutional democracy would be one in which the electorate, recognizing its own incompetence in these matters, abandoned all attempts to dictate specific political decisions, and limited its activity to the election of a trusted executive who, with the advice and aid of the professional public servants, would enjoy full responsibility for the conduct of government. According to Lippmann, nothing short of this can suffice to inoculate constitutional government against "the malady of democratic states."

This is the main theme of the first part of the book, and it provides the author with the occasion for a thorough castigation of the contemporary democratic world. When constitutional government first saw the light, the franchise was narrowly limited. Power and responsibility rested in the hands of an educated elite which respected the claims of the intellect. The moral viewpoint of this elite was still dominated, moreover, by "the public philosophy," a modern version of the great natural law tradition, which emphasizes the capacity of human reason to discover objectively valid rules of justice, and thus provides a rational ground for determining what is or is not in the public interest. As long as the Western world remained true to this heritage, it was unassailable. From the time of the Jacobins onward, however, the public philosophy has been increasingly discredited by the attacks of moral relativists, who deny that there is any such thing as an all-embracing public interest, and rely on will rather than reason for the determination of public policy. The result, when combined with the 19th-century shift of power from restricted to mass electorates, was catastrophic. Unrestrained by any decent respect for reason and the public welfare, voters insisted on subordinating executives to legislatures, and used their power over elected agents to dictate selfish and short-sighted policies to the rulers of states. Wickedness and folly thus compounded cannot long endure. Ever since 1914 the democratic world has been going from bad to worse. Where once it was unassailable, it is now fighting for its life against the great and growing strength of new rivals for world mastery. Thus painfully and inexorably does history pass judgment on those who neglect to follow the true principles of government.

The only way out of these difficulties, and this is the final message of Lippmann's book, is to return to the public philosophy. In a society where all values are thought to be relative, it is hard for leaders to find the moral courage to cleave to the public interest, and equally hard for them to gain the confidence and respect of the masses. By encouraging philosophic relativism, the intellectual leaders of the West have gone a long way during the past 150 years to destroy the foundations of constitutional government. But the damage they have done, though great, is not necessarily irreparable. If the "men of light and leading" abandon their philosophic errors, and return to their proper task of teaching the public philosophy, all may yet be well. Inspired by a true respect for human reason, rulers may once again be restored to a state of intellectual and moral soundness which will enable them to deserve, and to receive, the willing confidence of mass electorates. Only thus can the waning "mandate of heaven" be restored to constitutional democracy.

Despite the eloquence and skill with which the argument is presented, the present reviewer is bound to confess that he finds it unconvincing. The difficulty, in his opinion, is not so much that Lippmann's position is untrue as that it is a half-truth exaggerated to the point of hopeless distortion. Few sensible men would deny that the problem of securing effective long-range leadership is one of the basic issues of constitutional government, and that the success of many modern democracies has been gravely compromised by failure in this direction. It is also reasonably obvious that free government depends on the existence of a certain general consensus with regard to the permissible methods and purposes of political action, on the existence, if you like, of a common public philosophy, and that the inability of some democratic states to establish or maintain an adequate consensus of this sort has impaired or destroyed their efficacy. But to go beyond this point, and to say that a restoration of earlier natural law principles is the only way to save the free world from disaster, is to exaggerate both the extent of the existing evils and the efficacy of the proposed cure.

Consider, first, Lippmann's distressingly eloquent picture of the plight of modern democracy. From his account one would gather that selfish and shortsighted electorates were everywhere on the rampage, contemptuously disregarding the advice of all qualified experts, and ruthlessly using their agents, the legislatures, to extort special privileges from cowardly or impotent executives. One would think that modern nations were little more than bear-gardens of warring special interests, each undeterred by any essential sense of or respect for the general interest. If this were so, the free world would indeed be in a bad way. It must be admitted that this Hobbesian picture of the war of all against all has in some measure been approximated in certain special cases, in pre-Hitler Germany, for example and, to a lesser extent, in prewar and postwar France. Where such conditions have prevailed, constitutional government has been able to operate with difficulty, or not at all. But to take this as a description, however approximate, of the political life of Great Britain, or even of the United States, is quite impossible. In these and many other constitutional states, democracy is still a going concern. Their governments have made mistakes, like other governments of the past, of the present and, if one may venture a prediction, of the future. But in these states it still remains true that conscientious and intelligent leadership, both executive and legislative, does in fact arise with reasonable frequency, and that when it arises it proves capable of gaining acceptance from an electorate by no means wholly deaf to considerations of the public interest. There is some reason to believe, indeed, that the public power and prestige of professional experts may tend to rise rather than to fall under the conditions of democratic government, and that the gravest threat to its continuation may lie not in the tendency to usurp but in the tendency to lose effective control over the performance of expert functions. Be that as it may, the fact remains that the free world as a whole is by no means bereft of moral and intellectual resources, and there is no reason to believe that these resources are declining. If the relative strength of the West in the world at large has declined in the present century, this is due far more to the increase in the strength of its totalitarian enemies, a strength based on the development of new techniques of political coercion and control, than to any decline in the potentialities of constitutional government itself. The rise of democratic electorates has certainly given rise to many new problems. But to follow Lippmann in saying that it has made constitutional government unworkable in its present forms is to go well beyond the evidence.

And if Lippmann's "malady of democratic states" is largely chimerical, so likewise is his proposed remedy. The natural-law tradition has undoubtedly played a significant part in the development and formulation of the Western ethical tradition. In the current re-examination and reaffirmation of the values of a free society, this is well worth reconsidering. But natural law, in the simple and nondogmatic form in which it has been commonly accepted, has never been sufficiently specific in content to provide a noncontroversial answer to actual political issues. Insofar as it encourages people to approach value judgments in a spirit of rational and disinterested inquiry, it can still serve a useful purpose. The fact remains, however, that even when men were united by a conscious devotion to natural law principles, they were regularly divided by the widest disagreements as to the practical application of those principles. Thus the public philosophy is no panacea for the political ills of our own or indeed of any other day. If our "men of light and leading" are to deserve well of the Republic, they will do well to apply themselves to the invention of acceptable solutions to concrete problems, rather than to spend their time in the propagation of general truths which have long been fairly self-evident to ordinary men.

FREDERICK M. WATKINS.

Yale University.

The Study of International Relations. BY QUINCY WRIGHT. (New York: Appleton-Century-Crofts, Inc. 1955. Pp. ix, 603. $6.75.)

Setting off from the premises that international relations is still a discipline in process of formation and that its subject matter is in process of rapid change, Professor Wright has undertaken the brave and challenging task of imposing order on the chaos of this singularly ill-defined field. All those who are working in the international sphere must welcome the strides toward order which he has made, even though there may be legitimate doubts as to whether the elusive and far-flung materials with which he is dealing will stay disciplined within the categories and distinctions he has so amply provided.

There can be few, if any, fields whose boundaries, and hence whose content, are as inadequately established as those of international relations—even though it may be that political science itself runs it a close second and suffers from some of the same troubles. It is a field, as Professor Wright points out, to which concentrated and coherent attention has been devoted only in fairly recent decades, and it has unquestionably grown and mushroomed in Topsy fashion. Perhaps peculiarly in the United States with its frequent moralistic bent and its tendency to indulge in sweeping swings of academic fashion, international relations has shot up since World War I in a proliferation of courses, institutes, and king-size research projects.

The basic problem in connection with the field is very obviously not that there is any dearth of materials which would be generally acknowledged as germane to it, but rather that it sprawls amorphously over so large and varied a domain as to stagger the imagination and place it well beyond the grasp and comprehension of both student and teacher. Although a number of efforts have been made to give it intellectual coherence, it cannot be said that any has as yet been sufficiently persuasive to win general acceptance. While there is considerable agreement on a rule of thumb basis as to some of the central elements of the discipline, there is still a great range of disagreement as to how wide a sweep it must be assumed to cover and particularly as to a general hypothesis or conceptual scheme about which its disparate parts might be organized. In brief, there is a huge and shapeless accumulation of important materials, and there is the lack of a unifying principle which would give them meaning and more than episodic intelligibility.

It is to these problems that Professor Wright has turned in the present book. In seeking an answer to them he has adopted a catholic and encyclopedic approach which acknowledges diversity and multiplicity, arranged within what seemed, at least to this reviewer, a somewhat bewildering array of classifications, categories, divisions, and subdivisions. Certainly the end result is not to reduce the discipline within manageable proportions. Seeing international relations, in terms which recur throughout, as at once history, philosophy, science, and art, he suggests that an effort to synthesize the studies is important for it "appears to approach the ambitious task of synthesizing all the disciplines—humanistic, social, and natural . . . [and] resembles the effort to unify all knowledge." His own pages can be accused of no niggardliness in the matters with which they deal. He examines, for example, in two central sections of his book no less than 16 disciplines—10 classified as practical, and six as theoretical—which are embraced within the overall discipline of international relations, and to each he devotes from 10 to 20 pages in a set succession of Definition, Assumptions, Analysis, and Criticism. That the author has set no slight limits to his coverage is indicated by a disquisition on literary criticism, within the discipline of International Communications, which sets off from the *Poetics* of Aristotle and includes the mildly surprising judgment that "from the point of view of international relations, literary criticism is undoubtedly important."

To attempt to probe very deeply in brief chapters into such large matters as the art of war, international law, or the sociology or technology of international relations is an almost hopeless enterprise and inevitably involves covering much familiar ground. The more rewarding task, even though Professor Wright rightly sees it as a monumental one, is the creation of "some general hypothesis, conceptual system, or model" which would serve to give the discipline as a whole a logically consistent structure. Here the author takes as his framework five different conceptions of the world, each of which might be broadened and formalized, he suggests, so as to integrate the relevant disciplines. The five which he puts forward are the world as plan, as equilibrium, as organization, as spiritual community, and as field. Of these it is the concept of a field, "constituted by the *relations* of the relevant *entities, forces, sentiments,* and *processes*" (italics his), which he develops as providing the best approach to the study of international relations. As a bloodless and scientific concept it is evident that such an approach lends itself to objective analysis of a sphere all too colored by both passion and partisan interests, but it is open to question that it can stand up against the competition of more dynamic approaches such as that of the concept of power.

One final issue which might be mentioned is the always thorny question of the role of value and value judgments in the shaping of a discipline. With some apparent hesitation, Professor Wright has included among the criteria to be applied in weighing the generalizations of international relations the proposition that they "should be so presented as not to discourage belief in, and observance of, the best values." It is, of course, a truism of all the social sciences that the values which men hold are themselves facts of the first order of importance and work very significantly to affect the bearing of other facts of a more identifiably material variety; but this is a very different proposition from the one here advanced by Professor Wright. There would be many, certainly, who would contend that it is not a proper function and responsibility of the worker in even so dubiously scientific a discipline as international relations to guide his footsteps in such a way as not to tread upon "the best values," even if it be assumed that such values are objectively determinable. If a single illustration of the dilemma may be given, Professor Wright in his discussion of the discipline of colonial government establishes it as one of the underlying assumptions that the governing authority should give primary consideration to the interests of the inhabitants of the area and the interests of the world community with only secondary consideration to its own interests. Eminently desirable as this proposition may be in its own right, can it be legitimately advanced as an underlying assumption? On the face of the historical record it would appear to be more frequently an extraneous consideration than one which has been central to colonial government, and surely it is a matter to be examined by the student or researcher rather than an assumption to be laid down for him before he starts.

RUPERT EMERSON.

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The United Nations and the Maintenance of International Peace and Security. BY LELAND M. GOODRICH AND ANNE P. SIMONS. (Washington, D. C.: The Brookings Institution. 1955. Pp. xiii, 709. $6.00.)

Under the leadership of the late Dr. Leo Pasvolsky, the Brookings Institution in 1951 planned a series of seven volumes, each of them to constitute a separate study of a major feature of the United Nations system. This volume is the first of the group to be published. Students of the United Nations will find it to be a scholarly treatment of the subject which it covers and will look forward to the other six volumes.

Three principal aspects of United Nations activities in the maintenance of international peace and security are treated by the authors: (1) the peaceful settlement of disputes and situations; (2) the use of collective measures in threats to or breaches of the peace; and (3) the regulation of armaments. The discussion of these topics is preceded by three introductory chapters (brought together as Part I of the book) setting forth the framework of international politics within which the United Nations has been obliged to operate; they will not be illuminating to most readers, for only persons with a substantial background will be tempted to read the other 20 chapters, crammed as they are with technical information and analyses.

Except for the first three chapters, the book is well-documented; the authors have based their information almost entirely on the official publications of the United Nations. Frequently their discussions of the authority and procedures of the Security Council and the General Assembly are compared with those of League of Nations organs, and not always to the advantage of the former. Prevailing practices in such matters as the submission of questions to United Nations organs, the decision to consider or not to consider those questions, the clarification of issues, fact-finding agencies, negotiation between the parties, mediation, and conciliation are expounded cautiously and effectively. Controversial aspects of these practices are elucidated dispassionately, and usually proponents and opponents are identified. The authors present their own views on many matters, sometimes in brief statements at the end of chapters, and more particularly in the final chapter entitled "Summary and Evaluation." Generally their views are soundly based on the facts and information which have been presented, and will appeal to the reader as thoughtful, unbiased, and often constructive. Appendices to the book include such documents as the Charter of the United Nations, the Rules of Procedure of the General Assembly, the "Uniting for Peace" Resolution, and the Provisional Rules of Procedure of the Security Council.

Some of the generalizations drawn by Mr. Goodrich and Miss Simons are confirmatory of those often made by observers and scholars who have not had the wealth of information presented in this volume on which to base their thinking. For instance, it is generally understood that the experience of the League of Nations has been heavily drawn upon by the United Nations in the determination of useful methods of procedure. Well understood too are (1) the diminished role of the Security Council in the maintenance of peace and the increased importance of the General Assembly, (2) the limited utility of the organization in dealing with problems of the cold war, (3) the tendency to fall back on regional collective measures as those of the United Nations have failed to mature and prove themselves, and (4) the rather meager contributions of the International Court of Justice to a more stable order. These conclusions and others like them are nevertheless an asset to the book, for they are well-reasoned and solidly grounded on facts.

Other conclusions and opinions are less commonplace, and whether they elicit the agreement of the reader or not, they will help him to get an improved perspective on the United Nations. Among them are the following: (1) a need exists for "more consistency and less ambiguity" in inviting states not members to participate in discussions; (2) efforts of the Security Council by investigation to obtain facts in disputes and situations have met with "very limited success" for reasons discussed at some length; (3) the veto has not been an obstructive factor of significance in the treatment of disputes or in the regulation of armaments; and (4) the actual practices of the Council "bear little relation to most of the refinements and details of method and procedure prescribed in the Charter."

Even admitting the authors' overall opinion that "The record of the United Nations in maintaining international peace and security cannot of course be viewed with complete satisfaction or optimism," the reader will be impressed by the tenacity with which the organization works on the problem both in a general way and in concrete cases. He will be struck too by the resourcefulness of the Security Council and the General Assembly in devising procedures and adapting them to their purposes regardless of Charter provisions. That the record of the United Nations is not better is due primarily to the East-West split in present-day international relations, as the authors so often assert; it is not the result of indifference or indolence.

NORMAN HILL.

University of Nebraska.

The Political Economy of American Foreign Policy: Its Concepts, Strategy, and Limits. Report of a Study Group Sponsored by the Woodrow Wilson Foundation and the National Planning Association. (New York: Henry Holt and Co. 1955. Pp. xv, 414. $6.00.)

One of the most pressing needs facing the people of the United States today is that of seeing foreign policy in its totality. Segmental analyses which focus upon single countries, or groups of countries, specific issues, or periods of time often have the effect of beclouding major objectives, and they contribute easily to compartmental thinking that endangers the achievement of consistency and the promotion of broad aims. Equally dangerous to the development of a sense of overall direction in thinking about foreign policy, are analyses which lack historical perspective, or which suggest artificial distinctions between domestic and foreign aspects of national welfare and of required governmental policies.

For those who seek the broader understanding of foreign policy, the present volume will provide much satisfaction. It is, in brief, an effort to examine economic aspects of foreign policy in the full political setting of contemporary foreign relations, in the perspective of modern history since the industrial revolution, and in the framework of our relationship with both the more industrialized and the economically less developed countries of the world.

Some striking parallels in the development of Western countries and Japan and of the admittedly less developed countries offer insights and reminders of the common character of many of the problems faced by both groups of countries.

Prepared as a report of a study group, the breadth of discussion reflects the scope of experience and knowledge of the members of the group: Frank Altschul, Richard M. Bissell, Jr., Courtney C. Brown, H. Van B. Cleveland, William Y. Elliott, Chairman, Theodore Geiger, Harry D. Gideonse, Edward S. Mason, and Don K. Price. This is a group of men whose training and record of public service have assured the kind of perspective without which such a comprehensive analysis could easily have deteriorated into a superficial survey. They have, as a group, in fact managed to show "the inextricable relationship of all aspects of public policy including economic policy" which is suggested by the breadth of title "The Political Economy of American Foreign Policy" (not merely economic foreign policy).

The volume consists of two parts: Part I, a diagnosis of the origins of economic conditions and the needs of countries of the non-Soviet dominated world, and Part II, a prescription for United States foreign policy. In the first part is traced the evolution of the international economy of the mid-twentieth century out of the world economy of the nineteenth century. The analysis encompasses the changing characteristics of the principal industrial countries of the West and of Japan and the nature of the economies which emerge in the framework of an increasingly national orientation in the nation-state system. Included within a discussion of the impact of the industrial national economies upon the underdeveloped countries of the world is a highly perceptive analysis of the economic, social, and political characteristics of the less developed countries and of the dynamic forces which give direction to their domestic and foreign economic policies.

In Part II there is an examination of the serious contrasts between the theory and the practice of foreign economic policy as caused in large measure by the lag in comprehension of the nature of the world of today and tomorrow for which policies need to be developed quickly. Policy actually tends to be formulated with a backward rather than with a forward look. The forced departure from prewar-oriented foreign policy theory, compelled by stark realities in world politics since the late 1940's, poses clearly the issue between what may seem temporary deviations from "normal" and the probability of long-term reorientation of economic foreign policy in a completely different world. The highly imaginative innovations in economic foreign policy that accompany various kinds of so-called "foreign" aid programs complementary to new regional security arrangements are examined as elements in longer term policy for a future unlikely to see an early achievement of a truly world economy. In this perspective the elements of an American policy are outlined in relation to regionalized trade prospects and in terms of the domestic and foreign aspects of private investing, public loans, and the flow of goods and services. Attention is also given to some of the exportable ideology which could contribute to a more ready acceptance of United States leadership that is both required and expected in most of the countries toward which our foreign policy is oriented.

Of special importance throughout the volume is the recognition of the political-psychological framework within which economic policy must be planned and executed and the Study Group emphasizes the serious character of the administrative and organizational obstacles to effective planning and execution of foreign policy inherent within our present governmental system.

Altogether, this is a thorough and a valuable contribution to an understanding of the political economy of American foreign policy in relation to the new world conditions since the end of the last war and to the peculiar needs for a policy that must encompass nations of widely differing levels of economic development.

WALTER H. C. LAVES.

Indiana University.

National Minorities: An International Problem. BY INIS L. CLAUDE, JR. (Cambridge: Harvard University Press. 1955. Pp. xii, 213. $4.50.)

In May, 1851, Gladstone's complaint of political abuses in Naples was brought to the attention of Austria. Prince Schwarzenberg's reply, paraphrased by Philip Magnus in his recent biography of Gladstone, included the reminder that British treatment of political offenders in Ireland, the Ionian Islands, and Ceylon "had neither escaped his attention nor excited his disapproval." Gladstone's protest was implicitly based on the concept of a higher law by which all peoples are somehow entitled to "fair treatment." Schwarzenberg's counterthrust transforms the problem into the conventional one of the courtesies and respect due one sovereign state by another.

In quite the same way, the principle of state sovereignty clashes with the concept of minority rights. This is the problem of Professor Claude's study. If the separate states do not deal fairly and adequately with their own minorities, these groups must accept their plight, seek to change the laws under which they live, or look for relief to some outside agency. When they are unwilling to accept the first alternative and unable to effect the second, national minorities become an international problem. If, however, rights are defined and made actual only by an established system of law, then one must conclude that minority rights can be protected only as international organization takes on more of the qualities of government, with constant and effective control of the states that become its subsidiary units.

This is one explanation of the difficulty of defining and protecting minority rights. The author sees others as well. Under the League system, problems were not defined clearly or handled sympathetically, nor did statesmen appreciate their complexity; the parties involved did not cooperate in good faith to make the League machinery work; the discriminatory application of minority obligations and minority rights aroused resentment at the same time that it diminished the League's moral authority; members of the League who had no minority problems themselves showed an "excessive regard for the sensitivity of the states" who did have. The author discusses such difficulties clearly and with sensibility. He probes the conflicts between kin-states and minority states, between those who urge the preservation and protection of minorities and those who urge their assimilation or transfer, between those who advocate a bilateral approach and those who prefer an international solution. He shows us that there were many mistakes and many failings, and many conceptual difficulties as well; but he does not succeed in conveying the conviction that these mistakes and failings and conceptual difficulties really made any difference. Bad faith vitiated past efforts, but what kind of program, if any, could have been devised to operate satisfactorily with the amount of good faith available? Some states, such as Britain, took a less positive interest in minority matters than one might have hoped for, but what, if anything, could Britain have accomplished by displaying a more positive interest? If there were possibilities for successful affirmative action, the author does not make them clear.

What then is the explanation of the failure of international efforts to redress minority grievances: the difficulty of constructing a system of rights where no system of government exists, or the foibles of the statesmen involved? One would suppose that to the extent the first explanation is accepted, the second becomes trivial. Professor Claude himself seems to accept both, but he does so without attempting to estimate their relative significance. He points out, for example, that if the United Nations "had undertaken to establish a universal system of minority protection, it would have had to rely, most precariously, upon the prospect that states would subject themselves to it voluntarily . . ." (p. 176). Given a sovereign-state system, voluntary action is, in this matter, the only action possible. One might expect that, having accepted this as fact, the author would make an attempt to relate it to the ways in which diplomats have approached minority problems. Instead, he dismisses the difficulties that follow from the necessarily voluntary character of an international minority program. They are, he thinks, "essentially irrelevant . . . , since the United Nations has displayed a definite disinclination to attempt the formulation, in general terms, of an international solution to the problem of national minorities" (p. 176). It may be, however, that these difficulties are so relevant that it would be a waste of time to attempt the formulation of such a program.

Sometimes the author seems to support the latter conclusion; at other times he argues that we should have tried harder. In short, he does not make clear to his readers whether they should learn the many lessons taught by past errors in international minority programs or the one big lesson that placing hope in such programs was utopian from the outset.

Kenneth Waltz.

Columbia University.

Communism, Conformity, and Civil Liberties: A Cross-Section of the Nation Speaks Its Mind. By Samuel A. Stouffer. (Garden City, N. Y.: Doubleday & Co., Inc. 1955. Pp. 278. $4.00.)

Perhaps it would come as a discovery to Professor Stouffer to learn that he has written a book on political theory, and one has little doubt, although much regret, that it will be only the rare political theorist who will himself ever experience that discovery. There is much to be regretted in this because, even though *Communism, Conformity, and Civil Liberties* is a quantitative study of public attitudes with accompanying tables and paraphernalia, made easy, to be sure, for nontechnically qualified readers, the findings have the most intimate relation to the assumptions on which some of the great theories rest.

Consider, for example, the relationship of Stouffer to Jefferson. Jefferson, apostle of "the free right to the unbounded exercise of reason and freedom of opinion," held the American liberties to be better protected by an agrarian society because the "cultivators of the earth" make the best defenders of such liberties. Now Stouffer, from his data, has constructed a scale measuring support for the right of divergent economic and religious minorities to give expression to their views. He finds such support to be especially low in rural areas and small towns and concludes: "There is something about life in a small community that makes it less hospitable to divergent opinions than is the case in our urban centers" (p. 130).

The Marxian view is that opinions are a reflection of class interest, that the association of the working class together in factories will make of them a class-conscious instrument of communism. Consider this in the light of Stouffer's findings on the percentages of community leaders willing to let a socialist (not a communist) speak in their community (p. 31): newspaper publishers, 97; presidents of bar associations, 95; chairmen of Republican county central committees, 88; presidents of chambers of commerce, 85; presidents of labor unions, 80; and a cross-section of the same cities as the above leaders represent, 61.

Or consider T. H. Green: " . . . the idea of the individual's right to free life has been strongly laid hold of in Christendom . . . " partly because it derives from the teachings of St. Paul. In what sense are Christendom and St. Paul related to the "free life" in the light of the following findings (p. 142)?

	Percentage Classed as "More Tolerant"
Attended church in last month	28%
Did not attend church in last month	36%

(Appropriate controls for education, class, sex, religion, etc. have been applied in the cases used.)

One cannot say that these findings refute those aspects cited of Jefferson's, Marx's, and Green's theories, but they are distinctly relevant and because of this relevance they belong in the discussion of political theory.

The book itself is a product of what is probably the most extensive (and expensive: $125,000) survey of the kind ever conducted. The survey was designed to discover "the reactions of Americans to two dangers. One, from Communist conspiracy outside and inside the country. Two, from those who in thwarting the conspiracy would sacrifice some of the very liberties which the enemy would destroy" (p. 13). In order to do this some 537 interviewers questioned a national probability sample of 4,933 persons, plus—and this is a unique and useful feature of the study—1,500 selected community leaders in 123 cities between 10,000 and 150,000 population.

The data thus collected enabled the analysts to discover the relationships between "willingness to tolerate nonconformists" (socialists, atheists, communists, and persons alleged to be communists but who swear they are not) and a multitude of such sociological and psychological variables as age, sex, place of residence, perceptions of the menace of communism, and so forth. Furthermore, because they have identical data for community leaders (mayors, newspaper publishers, commanders of American Legion posts, regents of D.A.R., etc.) and the general public, they can discover in what particulars these two groups differ. They find that leaders, including D.A.R. and Legion officers, are considerably more tolerant than the rank and file of American citizens.

The book is a research report and goes beyond this only in the last chapter where the meaning of the findings for "people who can do something about them" is briefly suggested. The burden of mining the ore for additional meanings rests upon others.

ROBERT E. LANE.

Yale University.

Wanted: An Asian Policy. By EDWIN O. REISCHAUER. (New York: Alfred A. Knopf. 1955. Pp. xi, 276. $3.75.)

An American Policy in Asia. By W. W. ROSTOW IN COLLABORATION WITH RICHARD W. HATCH. (New York: John Wiley & Sons, Inc. 1955. Pp. 59. $1.00.)

In view of Director Max Millikan's ungracious and unauthenticated statement in the preface to *An American Policy in Asia* that "China scholars have tended to develop split personalities, painfully excluding policy insights from their scholarly work, and then permitting their pent-up convictions as to what the United States should do in the Far East to spill out in most unscholarly bursts of temper," it is of some interest that Professor Rostow and his collaborator should have reached, without benefit of Professor Reischauer's long study, conclusions so similar to the latter's. Rostow and Hatch center their treatment on China while drawing other Asian states into focus in several chapters. Reischauer attempts to give adequate attention to the major countries of all Asia. He divides his treatment into three parts: the problem, the situation, and principles of strategy; each part is subdivided topically. Rostow and Hatch write under nine topics: "United States Interest in Asia," "Broad Foundations for Alliance in Free Asia," "The Free Chinese," "Formosa," "The Vulnerability of Communist China to its Asian Environment," "The Military Problem," "An Economic Policy in Free Asia," "U. N. Membership for Communist China?", "U. S. Recognition?," and "The Free World Alliance."

Both of these books, though comparatively brief, are serious efforts by able scholars to apply their knowledge of Asia and of contending forces in the contemporary world toward aiding the United States to work out a policy that will combat the influence of Soviet communism, weaken or overthrow existing Asiatic systems of communism, and prevent the rise of communism in states not yet under the influence. They agree that postwar American policy has been grounded in ignorance and correspondingly unsuccessful. They state their views as to American interests in quite similar terms. Professor Reischauer holds that "the one over-riding objective . . . is inevitably the furtherance of our own peace and security," while Professor Rostow and his collaborator write that "the fundamental task of American foreign policy is to maintain a world environment for the United States within which our form of society can develop in conformity with the humanistic principles which are its foundation." Both arguments evince clear realization of the risks involved in an aggressive program designed to control Asiatic development to suit American interests. But both are unwilling to have the United States adopt a purely *laissez faire* attitude. Reischauer surveys at some length the evolution of Asiatic-Western relations during the nineteenth century, rightly stating that "the only way to ascertain even roughly the direction of motion in Asia is to take a long historical look at what has been happening there." He points to the earlier variance between Asiatic cultures and to the significance of this variance in contemporary East-West relations. He observes that "most native Asian political institutions appear to have been washed away." He somewhat hesitantly credits the "machine," which is incompatible with Asiatic caste and family systems, with the Westernization of the East and treats this process as an extension of effects experienced a century earlier in the West. This interesting analysis brings him to the possibilities of collaboration between the United States and Asia.

Rostow and Hatch see such possibilities in the American record of anti-colonialism, but they justifiably counsel a speed-up in our efforts to persuade other states to free their colonies. They also urge that we not only extend more adequate aid toward Asian economic growth, but also exert ourselves to convince Asiatic peoples that our interest in them is not a gambit to improve our own military position vis-à-vis the U.S.S.R. They assert that "the widespread belief in Asia that we intend to launch aggressive war is already extremely costly to us." Most important: "If we wish to bring and hold the literate Asian within the Free World alliance, he must come to believe that American interests and objectives conform in important respects to his own." Reischauer also believes that possibilities for cooperation with Asia exist and he describes the "implements of policy" as military, economic, and ideological. Of the three, he rates the military as least important. He regards the economic implement as likely to be effective over a considerable period provided that it is not used to buy military commitments. He puts most faith in ideological propaganda, while deprecating American efforts hitherto to use this implement as "give away" to the Soviets. Curiously enough, he avers that Americans play down their own ideas and argues that we must meet the Russians on their own ground of self-congratulation rather than by beating our breasts in self-condemnation. This criticism comes oddly from a citizen of "God's country." He is right, however, in his view that revolution in Asia is not the product of communism but of democracy, and that we have neither studied the meaning of democracy sufficiently nor explained democracy adequately in Asia. Whether or not our wholesale transformation of Japan's economy during the postwar occupation was "vastly more successful than our more defensive pose in Japan in recent years" is another matter. He does not appear to note the difficulty of reconciling the quoted statement with another which follows it within two pages: "There is one thing that no free society . . . can tolerate, and that is compulsion." He is much more effective in his treatment of the problem of communications, though he has no new answer to that crucial problem.

Neither of these pungently written and stimulating little volumes will give comfort to the China lobby. Their authors advise giving all possible aid toward the development of a free, prosperous society on Formosa but are firmly opposed to encouraging Chiang Kai-shek to attempt a military comeback on the mainland. They also favor our giving serious consideration to the recognition of the Peking government and to its admission to the United Nations.

In such free-swinging statements of personal opinion—for which the authors need make no apologies, and which are cordially welcomed by this reviewer—there are bound to be numerous challenges to readers, e.g., the frequent unqualified references to the "Free World." That is the great value of such books—they do challenge their readers to consider their country's position and what can be done to improve it. Surely, however, they might help their readers more than they do. While books written for the seriously-minded lay citizen should not be loaded with footnotes, neither should they omit citations of authorities, particularly for factual statements, thereby permitting the inference that great decisions upon national policy are comparatively simple products of individual cogitation.

HAROLD S. QUIGLEY.

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British Political Parties: The Distribution of Power within the Conservative and Labour Parties. BY R. T. MCKENZIE. (New York: St. Martin's Press. 1955. Pp. xv, 623. $7.50.)

All major institutions require, every 50 years or so, a fresh and comprehensive study. Mr. McKenzie has attempted in this book an analysis comparable to that done by Ostrogorski at the turn of the century. Five momentous decades provide his justification and material. When Ostrogorski wrote, the democratization of the British franchise—though carried a long way—was still incomplete. Party organization was grappling with its early problems and its future was still unsure. Two great parties confronted one another in Parliament and before the public, though the symmetry of their opposition was marred by the Irish Nationalists. Since that time, the party system has endured a global economic depression and two global wars. It has consummated and absorbed the ultimate extension of the electorate. It has witnessed the breakup of the Liberals and the emergence of a new major party with a distinct philosophy.

Mr. McKenzie's work now fills a major gap in our knowledge of an important aspect of the modern British parties: namely, their internal structure and functioning. His book bears the obvious imprints of indefatigable research, accurate reporting, and impartial assessment. He leaves the convincing impression that he has culled whatever data he could find and has presented them without grinding an axe. On points where he yields little illumination (party finance, for example) the fault is not so much his as that of the parties themselves.

Virtually the whole of this solidly packed book is factual description and analysis. There is, therefore, much grist in it for the behaviorists' mill. Those, however, who feel that evaluation and a philosophy are also a supreme obligation of the political scientist are going to be disappointed, for they will particularly note that 580 thick pages of data terminate in 11 thin pages of conclusions. A bulky foundation of evidence is used to support two essentially simple propositions. One is that the internal structure of each party is unlike what its opponents say of it. The other is that the two rivals—despite Labor's early attempt to be different—have come to be organized and to operate in much the same way. The similarities between Labor and Conservatives in structure and power distribution are the features that impress Mr. McKenzie most forcibly.

This second observation deserves discussion. It is demonstrated by the author with cogency and is substantiated by ample evidence. On the basis of his findings it may be accepted as proven. The most striking of these similarities consists in the role of the party leader and in the relation between the parliamentary representatives and their mass organization outside. In both British parties the leader has a significant authority—a fact which appears natural to the Conservatives, but does mark a departure from the original assumptions of the Labor movement. Likewise, in both parties, the parliamentarians have refused to be the "servants" of the organization outside. The latter helps the former as a vote-getting machine; but it is the elected representatives who have maintained the upper hand. The reason for these results is explained by the author in terms of the influence of the constitutional structure on the parties. The parliamentarians are in the saddle because, under the British system, Parliament is designed to be the final locus of authority. The leader is all-important, because he is either an actual or a potential prime minister.

This inference about causation is a tempting one. Yet it contains two difficulties, of which one is ignored by the author while the other is wrapped in ambiguities. If it is correct to hold that the formal institutions of government have served to mold the party structure, why has this not happened in the same way and to the same degree in other countries where virtually identical institutions exist? In Australia and New Zealand, for example, although it is true that the legislative representatives have, on the whole, succeeded by now in controlling the party organization outside Parliament, they have nevertheless obtained more power vis-à-vis their leader than in Britain. Certainly this is the case "down under" in the Labor parties, which have adopted the practice of electing the members of the cabinet when their party takes office.

The chief ambiguity in Mr. McKenzie's treatment consists in his account of the source of the leader's authority. On page 384 he writes: "The Labour Leader's formal powers appear to be much more limited than those of the Conservative Leader, but like the latter, he becomes from the moment of his election as Leader a potential Prime Minister. It must be emphasized again that *this above all else is the principle* (sic) *source of his influence and authority.* Like his Conservative counterpart, the Labour Leader wields this influence on sufferance. If his followers in Parliament withdraw their consent to his continued leadership, his authority collapses immediately" (italics in original). But, one cannot have it both ways. If the leader's "leadership" collapses as soon as his "followers" withdraw their consent, how can the author assert that the "principal" source of his influence and authority is the fact that he is a potential prime minister? Should he not say that the principal source is the "consent" of those who follow? (Compare also pp. 145 and 298 for the same ambiguity.)

Finally, it may be suggested that the value of this richly informative work would have been enhanced if the author had seen fit to encompass the Liberals—who are relegated to a two-page appendix. After all, modern Britain did witness the disintegration of a once-great party. The analysis should have been extended to explain what happens when a formerly powerful structure breaks up. That story would have thrown a fresh, and possibly different, light on the relations between followers and leaders, and between parliamentarians and vote-winning machines.

LESLIE LIPSON.

University of California (Berkeley).

Higher Civil Servants in Britain: From 1870 to the Present Day. BY R. K. KELSALL. (London: Routledge & Kegan Paul, Ltd. 1955. Pp. xvi, 233.)

This volume represents part of a research program, supported by a Nuffield Foundation grant to the London School of Economics, to study "social selection and differentiation in Great Britain." The first study, *Social Mobility in Great Britain*, ed. D. V. Glass (1954), concerned with general problems, is to be followed by a series of more specific inquiries into key professions, of which this volume is one, as is a forthcoming report on the elementary schoolteaching profession. Mr. Kelsall summarizes the particular questions with which he is concerned as being, among others, the following: "From which social strata is the Higher Administrative Class now being drawn, and what changes have taken place in this respect over the last eighty years or so? Are we witnessing a second revolution, in that the hold of the upper-middle class on the higher administrative posts is now seriously jeopardized? How far have the developments that have taken place been the result of policy changes either in the recruitment of direct entrants, or in the promotion of those originally entering the lower classes of the Service? To what extent have the fathers of senior officials themselves been members of this or closely allied occupations? What have been the relationships between the social origin, education, and upbringing of higher civil servants on the one hand, and their career-success on the other? Has there been any marked change in the status of their profession?"

In pursuit of answers to these questions, the author devotes his first chapter to an appraisal of available information, his second chapter to a painstaking account of his methodology in assembling the basic data. He then successively treats the following subjects: Routes of Entry to the Administrative Class (promotion from the ranks, open competition, and other routes); Social Origins based on Father's Occupation; Occupants of Six Key Posts at Four Dates; Women in the Administrative Class; the Nature of the Profession. The exposition is heavily statistical, preoccupied with methodological concerns, sparse and cautious in both interpretation and generalization. The usual expectations of American readers concerning the clarity, felicity, and pungency of British writing are persistently frustrated.

The findings are significant, if somewhat anticlimactical for so much methodological machinery. They refine, rather than upset, what previous studies have asserted: that the upper and middle social classes have been "over-represented" in the higher civil service; that Oxford and Cambridge have been the primary gateways; that these and associated characteristics have been the focus of anxiety and criticism. Perhaps his most distinctive finding is that the years 1949–52 brought sharp changes in these matters, seeming to announce a more rapid democratization of the higher ranks than had been expected by most observers.

Several questions of great interest are described as beyond the limits of the present study. First, because such information could be obtained only by interviewing the subjects, no data are presented on why they chose a civil service career, whether they now would make a different choice, whether they would advise their sons or daughters to make a different choice, and how they view their role in society. Second, no comparisons between the social origins and educational history of higher civil servants and of the members of other professions in Great Britain, and of the higher civil servants of other countries, are made because comparable data do not exist. Third, no comparison is made with ministers of the government because it "no longer seemed worth while," Labor ministers having demonstrated they can live without friction with the higher civil servants. Fourth, certain other broad questions, about which the available information is described as inadequate to resolve the issue, are excluded, for example, "whether the State can obtain the ablest servants whilst at the same time satisfying the demands of its citizens for equality of opportunity."

Among American readers, political scientists especially will regret these omissions and, in addition, will incline to the feeling that "sociological" studies of this type will continue to yield limited returns until the range of inquiry includes central attention to the political and governmental roles of the higher civil servants. It is what they do, and how they do it, that makes relevant who they are, where they come from, and how they got to where they are. If this volume is intended to prepare the way for such an inquiry in Great Britain, its value will be greatly increased.

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Social Credit and the Federal Power in Canada. BY J. R. MALLORY. (Toronto: University of Toronto Press. 1954. Pp. xii, 198. $5.00.)

Professor Mallory's volume is the fifth in the series on Social Credit in Alberta, which the Canadian Social Science Research Council has sponsored over the past 10 years. This seems a lot of time and books to devote to so obscure a political movement, but the various authors have avoided the danger of overworking their subject by writing as far as possible about something else. Professor Mallory is the first to use the name "Social Credit" in his title, but he too has sought the main theme of his work elsewhere. His concern is with the basic readjustment in the balance of Canadian federalism which occurred during and after World War II, and he deals with the Social Credit party as a contributing factor in the shift of power between the federal and provincial governments, but not as the underlying cause of that shift.

This approach gives the author wide scope. He breaks new ground in his attempt to explain Canadian constitutional conflicts and changes as the reflection of basic economic pressures rather than of competing theories of federalism. Pointing out that in no less than one-half of the Privy Council cases reported between 1867–1939, the plea of *ultra vires* was successful in defeating the intention of the legislature, he concludes that the resulting spheres of authority of the Dominion and the provinces are the incidental outcome of a clash between individualism and collectivism. His chapter on "Disallowance and the National Interest," in which he shows how the disallowance power at Ottawa (a power to which there is no parallel in American constitutional law) was primarily used to protect the dominant commercial and financial interests centered on the St. Lawrence system, harmonizes this part of Canadian political history with his main thesis and brings into one picture developments in constitutional law which have hitherto tended to be subjected to separate treatment by lawyers and political scientists. In consequence there is a breadth of outlook in this book which, despite a certain looseness of structure, makes it a valuable contribution to the subject of Canadian federalism.

In a short review, comment may be offered on only a few of the many ideas and reflections with which the book is replete. While it may be true, as Roscoe Pound has said and Professor Mallory agrees, that the fundamental difference between the law of the nineteenth century and that of the present period is due to changing ideas about society, and that the conflicts which arise are due to clashes of ideas rather than of men, nevertheless men, particularly the men who sit on courts of final appeal, play a rôle somewhat larger than Professor Mallory seems willing to admit. This is particularly true of the Canadian situation, where for 80 years the final court—the English Privy Council—was composed of judges who had only the most casual acquaintance, if any, with the nation for whom they were laying down fundamental law. While they could not stop the march of history, they could and did slow its pace and deflect its minor currents, and in so doing installed new concepts of federalism in the law itself. This has left Canada with a mass of case-made law, now bolstered by the doctrine of *stare decisis*, from which escape is difficult.

For this reason Professor Mallory does not appear to this reviewer to have demonstrated the "major readjustment of the whole balance of Canadian federalism" of which he speaks, at least insofar as the law of the constitution is concerned. The underlying conditions making for readjustment, particularly in economic policy, have changed, and individualism has no longer its former potency, yet in respect of many fields of jurisdiction the enlarged powers of provinces make the implementation of national policies extremely difficult. Until new interpretations or constitutional amendments occur, Canada will struggle with makeshift solutions. Given the present strength of Quebec's nationalism, there is unlikely to be a new approach for some time to come. These are problems we hope Professor Mallory will explore in a succeeding volume.

F. R. SCOTT.

McGill University.

Federalism, Finance and Social Legislation in Canada, Australia, and the United States. BY A. H. BIRCH. (Oxford: Clarendon Press. 1955. Pp. xiv, 314. $5.60.)

This book is a Ph.D. dissertation submitted to the University of London in 1951, and revised and enlarged after the author, a lecturer in government in the University of Manchester, spent a year in the United States and Canada under a grant from the Commonwealth Fund.

Both in subject matter and in execution the book reflects dominant attitudes and emphases in the teaching of political science in the United Kingdom. The new emphasis on federalism in British universities is understandable in view of the British government's recent actions in committing itself to the federal form for the projected experiments in home rule in Nigeria, Central Africa, and the British West Indies; federalism has seemed to the Colonial Office the obvious expedient for effecting the handing over of self-government to those underdeveloped countries (still only Crown Colonies after World War II) which are multi-racial in composition.

Mr. Birch's work, unfortunately, is heavily legalistic in form and tone, concerning itself to a marked extent with constitutional texts and forms, decisions of the courts, and governmental memoranda. Though recognizing at the outset that in matters of government "there are economic, social, and geographic characteristics which shape political behaviour, and these cannot properly be ignored" (p. xiii), Mr. Birch proceeds to relegate them to the background throughout his study. This is a rather dangerous approach, in its very narrowness, for it tends to assume that the answers to problems of comparative study are to be found in legal texts and further that verbal similarity in phrasing and drafting of governmental documents is necessarily paralleled by similarity in actual working operation. Mr. Birch's quest for absolute purity in his research causes him to eliminate the Swiss federal system from the scope of his inquiry as having a "very different environment" from Canada, Australia, and the United States, and likely for that reason to produce a "long series of exceptions to the general argument" (p. xiv). This may be so, of course, but surely on that account the inclusion of Switzerland might be very valuable in testing the validity of universal hypotheses otherwise derived too facilely from the experience of Canada, Australia, and the United States alone.

In the end result Mr. Birch's study, in its emphases on positive law, resembles that type of study that was apt to proceed from British and Commonwealth law schools in the days prior to World War II before the onset of sociological jurisprudence and the contemporary emphasis on an integrated, interdisciplinary approach to legal research. But even as such, it is not very satisfactory, quite understandably perhaps, for Mr. Birch is not a lawyer. He is curiously selective in his cases—he manages to exclude the bulk of the Canadian "New

Deal" cases, and also the major constitutional cases arising from the Alberta Social Credit government's financial program; all the Australian cases on S. 92 of the Constitution (including even the Bank nationalization case, though the scheme of centralized banking that it involved was to have been the mainstay of the Labor party's social and economic program for the future), and the so-called "Financial Agreement" cases arising from the bitter struggle between the Labor administration in New South Wales and the national government over financial policy during the world economic depression of the early 1930's; all the American decisions on due process and the commerce power and even the latest decisions on immunity of instrumentalities, national or state, from taxation by the other. There are recurrent minor errors of citation or fact, e.g., the repeated use of "B.N.A.A." as a short form for the British North America Act, 1867 (the correct short form citation is B.N.A. Act), the presentation of Mr. Justice McTiernan of the High Court of Australia with a small "t," or the assertion that the issue of standing to sue in the form of a private taxpayer's suit has not been tested judicially outside the United States. More disturbing are some of his general interpretations: as his unsubstantiated charge (p. 163) that Dean W. P. M. Kennedy, the foremost living Canadian constitutional authority, "over-simplifies" in his well-known characterization of the Privy Council's approach to the Canadian Constitution as treating it as a statute and not a constitution; also his contention, by contrast, that the High Court of Australia has "consistently applied the letter of the Constitution" (p. 164), though the natural right barriers against social and economic planning legislation that the courts have been able to derive from S. 92 of the Australian Constitution involve a marked departure from both the words and also the limited historical purpose of that section.

In short, though Mr. Birch's work reveals considerable application and thought, I do not think he has broken much new ground. In the further development of his researches in this field it is to be hoped that he will get into some of the "extra-legal" factors that he has, for the present, largely excluded, but which, it is submitted, are vital to any meaningful study of federal government on a comparative basis at the present day. In particular, I would like to see some attempt at evaluation of the key influences on government in the various federal countries, involving for example inquiry into the ideas and organization of their major political parties—one cannot, for example, explain the marked centripetal action under the Australian Constitution over the 55 years of Australian federation without understanding the part played by increasing bureaucratic centralism in the Australian Labor party; or by contrast the pluralistic (more strictly dualistic) society that has emerged in Canada without studying the strong "Provincial Rights" attitudes in Quebec, and the curious Canadian voting patterns that allow a solid Quebec vote for the Liberal party in national elections but an equally solid vote for its arch-foes in provincial elections. Without a broader conceptual framework than positive law doctrines, the current Colonial Office experiments in federalism as a solution for assorted ills in Nigeria, Central Africa, and the British West Indies are not likely to yield constitutional governments that can survive the severe test of independence and go on to become effective law-in-action. Mr. Birch has perhaps hewed too closely to Professor Wheare's original venture into federal government, which, as a pioneer study in the field, was understandably somewhat restricted in the scope of the inquiry undertaken. The later editions of Professor Wheare's book, however, and also the more recently published views of Max Beloff, one of the most thoughtful of the postwar British political scientists, show a more broadly eclectic, integrative approach that is likely to produce more viable results.

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The American Legal System: The Administration of Justice in the United States by Judicial, Administrative, Military and Arbitral Tribunals. BY LEWIS MAYERS. (New York: Harper & Brothers. 1955. Pp. ix, 557. $6.50.)

Professor Mayer's announced goal is to present a systematic account of American legal institutions—as distinguished from law—in all their varied aspects. Focusing on the role of American courts and quasi-judicial agencies in the administration of justice, he has skilfully produced a very clear and carefully integrated analysis of state and national institutions and processes.

This book will have wide appeal, for it covers the work of our courts, administrative agencies, military tribunals, and arbitral tribunals. Seventeen of its 22 chapters deal with the decisional processes and organizational structures of courts and administrative agencies.

The author has not been content to report only the present state of our legal institutions and their product. Throughout he modestly, but effectively, suggests the need for specific reforms in the administration of justice. In the long run perhaps the greatest service of this work will be the skillful way in which the author has pointed to existing inadequacies and the need for reform.

The book will be valuable to political scientists, laymen, legislators, judges, and lawyers. Civic groups, bar committees, and legislators will find that it is full of carefully supported suggestions, each of which might easily be the basis for important civic and legislative activity. The scholar will observe that research ideas abound.

The author has been most perceptive in the selection of the issues, processes, statutes, and cases to be considered, and in pointing out a number of troublesome problems. Since the book was published, the courts have expressed themselves on some of these matters, for example, procedures in security matters (*Peters* v. *Hobby,* 75 Sup. Ct. 790, decided June 6, 1955), procedures in immigration matters (*Shaughnessy* v. *Pedreiro,* 75 Sup. Ct. 591, decided April 25, 1955), and procedures in securing passports (*Dulles* v. *Nathan,* 225 F. 2d 29, decided June 23, 1955). This is not to suggest that the book is not up to date, for it is indeed remarkably current.

A highlight of the book is the historical and comparative background which the author provides for the subjects discussed. While such background cannot be large in such a concise work, enough is supplied to remind the reader of why certain institutions developed as they did and wherein they are different from British and Continental practices. It also reminds one of the fact that styles in the administration of justice change as do those in wearing apparel. Thus, one is constantly challenged to inquire if the systems with which he is familiar are as efficient and valid as they might be.

The book is adequately if not abundantly footnoted, from both legal and political science literature. A bibliography and a special list of titles provide the reader with a summary of leading sources in the field of American legal institutions.

In short, this is more than an outstanding book. As a result of its clarity, brevity, perceptive selection of key issues, historical and comparative analysis, skilful organization of an unwieldy subject matter, broad appeal, and well-supported suggestions for reform, it may very well be acclaimed as one of the more thoughtful and better studies of American legal institutions in our time.

CARL Q. CHRISTOL.

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Automobile Workers and the American Dream. BY ELY CHINOY. (Garden City: Doubleday and Co., Inc. 1955. Pp. xx, 139. $3.00.)

Traditionally, American culture has placed great value upon occupational success. Americans of all classes and conditions have been told again and again that "there is always room at the top" and that "you can't keep a good man down." While these onward and upward maxims may have lost some of their luster in recent decades, the idea that the able, hard working, and virtuous can and do start at the bottom and rise to the top still seems to be a widely cherished part of the American Dream.

But the opportunities of many Americans for self-advancement are slight. While those whose education and training enable them to begin work as technicians or white-collar workers may eventually work their way to the top levels of industry, the factory workers' ladder of advancement is short, with few rungs, and normally ends with foremanship. What does the persistence of the American Dream do to these workers? How do they adjust to the disparity between the ideal and reality? What do they think and feel about opportunity and advancement?

It is with these big questions that Professor Chinoy's slim volume is concerned. Chinoy spent more than a year living and working and talking with the automobile workers in the "A.B.C." plant in "Autotown" (a Middlewestern city of about 100,000). The principal fruits of this field work were a number of long and searching interviews with 62 white, male, native-born "A.B.C." workers.

He found that a "lack of interest, hope and desire" for advancement in the factory was normal for his respondents. This does not mean that they were satisfied. They did have ambitions in the plant, but most of these called for sideways mobility—away from dirty, closely-supervised jobs which involved excessive physical or psychological strain toward more pleasant but not necessarily higher paid jobs. And talk of leaving the factory was rife. Most of the workers (48 of the 62) told Chinoy that at one time or another they had thought of leaving, mostly in order to start a small business or go into small-scale farming. Thus, "paradoxically, the very process of alienation which Marx thought would transform industrial workers into class conscious proletarians" had stimulated their interest in small private enterprise. Such talk very seldom resulted in concrete plans or action, but it performed an important psychological function: the worker "by seeking to convince others of the reality and strength of his aspirations . . . fostered his belief in his own ambitions and perseverance —and he continued to believe in the reality of opportunity."

Faced with the stark fact of failure, as defined by traditional American values, the workers were able to maintain their self-esteem in still another way. In its original form the American Dream was of *occupational* mobility. But Chinoy found that the workers had redefined achievement. Stuck in the same unsatisfying job, they believed that they were "getting ahead" so long as they were able to buy a new car or washing machine, a bigger and better TV set, a small home of their own. And some said, "If you work during a layoff . . . that's my idea of working up," and that "if you've got security . . . you're getting ahead."

Chinoy's auto workers, like many other working-class Americans, were caught in a squeeze between the tradition of mobility and the facts of the real world. But there seems little likelihood that either the dream or the reality will be quickly changed. "To the extent that workers blame their failure to rise above the level of wage labor upon themselves rather than upon the institutions that govern the pursuit of wealth or upon the persons who control these institutions, American society escapes the consequences of its own contradictions." And to the extent that the workers redefine advancement in terms of consumption rather than production, of security rather than of successful risk-taking, they can continue to believe that there are still opportunities to "get ahead"—new style. If the hopes of the worker-as-consumer are ever frustrated, then the alienation of many workers from their jobs and the strain of reconciling their position with the American Dream may lead to a political radicalism and class consciousness largely absent among American workers to date. Chinoy's book, despite the inevitable limitations of a case study, goes far toward explaining why this development has not yet occurred.

DONALD R. MATTHEWS.

Smith College.

BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

Political Prairie Fire: The Nonpartisan League, 1915–1922. By ROBERT L. MORLAN. (Minneapolis: University of Minnesota Press. 1955. Pp. 408. $5.75.)

This is the definitive history of the political movement which some have characterized as the last of the great farmers' crusades. Extending over a period of no more than eight years, the Nonpartisan League was nevertheless a major political force in eight states.

Yet the story of the NPL is largely an episode of North Dakota politics, for it began in that state, contributed directly to its present situation, and left a heritage of rather unusual legislation on its statute books. It is perhaps one of the curious turns of history that this state, which has been and still largely is a suzerainty of Minneapolis, and the East generally, should in this particular political drama have sought to reverse this pattern by revolutionizing and dominating the politics of its neighbors. And, surprisingly enough, it was almost successful.

Though akin to earlier protest and third party movements, the NPL had several distinctive characteristics. These, as described by Professor Morlan, include: its organizing techniques, based on paid personnel using Fords and high pressure salesmanship; its financing, coming entirely from membership fees; its own press and propaganda methods; its unanimity of action, especially evident in its legislative caucuses; its election tactics, ranging from primary raiding to third party attempts depending upon the advantages of the moment; and, of course, its program.

The story of this "political prairie fire" is competently told, and the author's mastery of facts and events gives a "you were there" quality to the book. Yet his presentation leaves unanswered many questions as to why the NPL developed as it did. Insofar as he explains the events of this movement, the author relies largely upon a theory of fortuitous coincidence, a kind of *deus ex machina*, which somehow brought together a depressed and exploited agriculture and the leadership and organizing ability of Arthur C. Townley.

Until we know more about social psychology, we must perhaps be content with this kind of description. If we are to understand political movements in a broader context, we must probe deeper and seek to formulate bolder hypotheses of social causation in our historical studies.

With respect to the NPL, such problems and questions as these need investigation: Why did the movement not take hold in the South and other exploited regions? Why did it collapse in 1922 when agriculture was in many ways more depressed and abused than in 1915? What light does the NPL experience shed upon patterns of anti-democratic action in America? (The liberal objectives of NPL should not obscure the significance of its autocratic methods, and here the analogies of the demagogic politics of Huey Long as well as those of the early Nazi party might well be explored.) To what extent do movements like the NPL take advantage of the frustrations of citizens who do not understand the forces at work in the economy and who have no apparent alternative but to thresh out blindly against them? What is the significance of the studied disdain and disparagement of the office seeker (as against the man who is sought by the office) on the part of NPL leadership? What relationship did the low educational level of the farm populace and their generally poor sources of news and information have to the rise and fall of NPL? To what extent is the inclination to seek pat solutions a condition precedent to movements of this sort? To what extent does the NPL experience mirror the dearth of leadership in rural areas (which, as much as discontent, may make a particular area ripe for the ambitious, unscrupulous leader)? These and many similar questions need investigation. The Morlan study makes them seem very pressing, although it does not seek to answer them.—NORMAN WENGERT, *University of Maryland.*

Constitutional Development in Alabama, 1798–1901: A Study in Politics, the Negro and Sectionalism. BY MALCOLM COOK MCMILLAN. (Chapel Hill, N.C.: The University of North Carolina Press. 1955. Pp. viii, 412. $2.50.)

In these days of growing interest in the states as partners in our federal system, students of state government welcome the data supplied by studies of individual states. The accumulation of data concerning the government of the states should be a major task for political scientists of today. Far too little work is being done in this field. Malcolm Cook McMillan has set a high standard for such studies. He has done such a thorough job that the constitutional history of Alabama will not need rewriting in the foreseeable future.

In the area of interpretation this study is especially valuable. The author emphasizes three points which he considers important in the constitutional history of Alabama. (1) It was an evolutionary process—"the result of past history, experience, and practice in government." (2) It was a process of cross-fertilization. Alabama profited by the experience of other states as well as by her own past. (3) It was an attempt on the part of each generation to solve its immediate problems. Alabama rewrote her constitution six times in less than a century. In every case, some specific problem presented itself which, in the thinking of Alabama's people, was serious enough to call for a redrafting of the fundamental law. Usually these problems grew out of the presence of the Negro.

The author considers the Negro, slave or free, the predominant factor in Alabama's constitutional development. From the struggle over apportionment in the constitutional convention of 1819, through the "white supremacy" fight in the convention of 1875, to the suffrage battle in the convention of 1901 which led to the adoption of "the most complicated and undemocratic suffrage article in the United States," the presence of the Negro controlled the action of the constitutional conventions.

The conservatism of Alabama government, the restricted Alabama electorate, the limitations on Alabama's legislature and local governments, in short, the distrust of democracy in Alabama was the product of the white majority's determination to keep the black minority "in its place." In a highly sensitive and controversial field, Mr. McMillan's presentation is objective and balanced. He marshals his evidence so well and interprets it so clearly that any unprejudiced reader is forced to accept his conclusions.

At the moment in Alabama there is increasing agitation for rewriting the constitution. This movement makes Mr. McMillan's book a very timely one.

The material is well organized and clearly presented. The bibliography is exhaustive. The index is excellent.—Hallie Farmer, *Alabama College.*

Problems and Policy in Public Assistance. By Hilary M. Leyendecker. (New York: Harper & Brothers. 1955. Pp. xiv, 400. $5.00.)

Mr. Leyendecker, who died before this book was published, successfully accomplished two objectives. In the first place he presented sound, well-documented material on the history, general philosophy, administrative organization, and practical problems of public assistance. In this he made use of nearly all the important writing in the field and his selected references are highly recommended. The result is an excellent textbook. The few inconsistencies in footnotes could easily be corrected.

Secondly, Mr. Leyendecker set out to discuss some of the more controversial problems of public assistance as they might concern someone fortified with the values of a "democratic society, imbued with the great tradition of Christian and Jewish thought concerning the essential worth and dignity of the individual." Where these not too well-defined values provide a sufficient guide, Mr. Leyendecker's analysis is most helpful. His defense of public assistance and his discussion of standards of assistance and client resources are humane, thoughtful, convincing, and probably the best that have appeared to date.

Since the book is addressed to the needs of the "beginner"—professional or layman—it can be considered entirely adequate and indeed distinctly valuable. In view of this, it would seem invidious to suggest here that for the political thinker the questions raised by public assistance are not answered in Mr. Leyendecker's book, were it not for the fact that the author gives these questions a little nod and a judgment or two in passing.

The significance of public assistance for serious political inquiry is that it poses but does not answer two very far-reaching questions. One of these is the status, moral, social, and legal, of the increasing part of the population who cannot support themselves financially—a status that varies under different programs, in different countries, and under different political and social presuppositions from complete entitlement to submission to more or less pervasive social control and guidance. The other is the degree to which government benefits can properly be individualized and by what criteria this individualization is to be determined. The tradition of clinical humanitarianism to which Mr. Leyendecker belonged can give at best partial answers, since its orientation is pragmatic and sentimental rather than philosophical or theological. It is therefore not surprising to find the writer resolving the first question largely by a recourse to "tact" on the part of the case worker or sympathizing somewhat uncritically with the poor little welfare worker who realized that she "did not know enough about the art and science of human relations to know what would be to the best interests of the children."

Whose children, one might ask, and what if she were vouchsafed this knowledge? What sort of society is implied here?

These unanswered questions should not, however, detract from the usefulness of the book for its stated purpose. It remains the best discussion of public assistance in book form today.—ALAN KEITH-LUCAS, *University of North Carolina.*

Crude Oil Pipe Lines and Competition in the Oil Industry. BY LESLIE COOKENBOO, JR. (Cambridge, Mass.: Harvard University Press. 1955. Pp. vi, 177. $4.00.)

Is it true that the petroleum industry is controlled by major companies through ownership of crude oil pipe lines, as has often been charged? If so, what is the extent of such control? What remedies have been proposed, and how feasible are they? May the real problem be quite different from that traditionally discussed? These are the principal questions posed by the author, an economics professor at Rice Institute, in this compact monograph adapted from a doctoral dissertation and published as the second in a series of studies on competition and monopoly in American industry financed by a grant from the Merrill Foundation for the Advancement of Financial Knowledge.

Quantification of the ownership of crude oil pipe lines indicates that major companies (the 19 largest) owned lines carrying about 85 per cent of crude oil throughput even before the introduction of new large-diameter lines, which are almost wholly controlled by large companies. But what determines control, the author points out, is ownership of lines between given producing areas and given refining areas. His analysis of the location of independently owned refineries shows that most of them are located close to their crude supply. Less than half of the independent refining capacity, representing about 10 per cent of the United States total, has to rely on crude oil trunk lines for supply, even in part.

Crude oil pipe lines are required by the Hepburn Act to operate as common carriers. Rates are limited by the Interstate Commerce Commission and the terms of a 1941 Sherman Act consent decree to levels which yield about eight per cent on investment, with dividends limited to seven per cent. Two principal changes have been proposed, both of which the author analyzes and rejects. One would eliminate the consent decree and return control to the ICC, which then would be required to establish "cost" rates for the pipe lines. Professor Cookenboo objects that "cost" rates can never be established precisely (increased volume, for instance, would make a "fair" rate too high); if fair to the industry, they probably would be no lower than at present; and oil companies still would be denied private carrier privileges. The other proposal would divorce pipe lines from major companies by antitrust action and force them to operate as true common carriers. The author's analysis shows that most independents are either integrated companies themselves or else are located close to crude supply. He estimates that only 2.4 per cent of efficient refining capacity could be helped by drastic dis-integration.

The author is interested more in the economic goal of cheap gasoline than in the political goal of smaller companies. He presents cost curves which show that substantial economies are achieved by large-diameter lines operated at capacity. In the future he would have one great line built from a field to a refining center as a joint venture, with participation open to all. Independents could buy in or rely on common carriers who do. But he is interested in freedom from regulation for the industry even more than in economy. He would require a certificate for construction, but restrict governmental discretion to the combining of parallel lines from a given field to a given refinery terminal. Only in exceptional circumstances could a project, however uneconomic, be denied; the pressures of competition would be relied on instead.

This is a solid book, with a wealth of data, presented clearly in numerous charts and tables, on the economic aspects of the petroleum industry. Readers who do not altogether share the author's confidence in voluntarism nevertheless will appreciate the fairness with which arguments, including the author's own, are subjected to realistic analysis. The book makes, as its sponsors intended it should, a genuine contribution to an evaluation of monopoly policy in the United States.—RALPH K. HUITT, *The University of Wisconsin.*

American Constitutional Law. By Bernard Schwartz. (Cambridge: Cambridge University Press. 1955. Pp. xiv, 364. $5.00.)

"It is the purpose of this book to present the workings of the American system of constitutional law to a British audience, with emphasis upon the significant changes that have occurred therein in recent years" (p. xiii). The author succeeds in giving a clear, readable account which is comprehensive in scope, contains reference to the important cases, shows significant recent developments and trends, and makes comparisons with Britain and the Dominions. This and Ernest Griffith's recent *The American System of Government* (reviewed, this *Review*, March, 1955, pp. 242–43), also written for British readers, provide the English-reading foreign inquirer with adequate accounts of the formal and informal elements in our system of government. The two books are useful also for the American reader, and Schwartz's volume should be particularly helpful for American students looking for a handy summary of recent constitutional developments.

American Government: National, State, and Local. By Claudius O. Johnson. (New York: Thomas Y. Crowell Co. 2nd ed. 1955. Pp. xvii, 1004. $6.50.)

American National Government. By Claudius O. Johnson. (New York: Thomas Y. Crowell Company. 4th ed. 1955. Pp. xvii, 750. $5.75.)

New editions of two college textbooks which follow the general plan of previous editions but with numerous changes in internal structure and content and a generous use of charts and tables.

The American Legion and American Foreign Policy. By Roscoe Baker. (New York: Bookman Associates. 1954. Pp. 329. $4.75.)

A well-documented and objective dissertation on the organization, ideas, and activities of the American Legion as a pressure group seeking to influence the conduct of American foreign affairs.

Basing Point Pricing and Regional Development: A Case Study of the Iron and Steel Industry. By George W. Stocking. (Chapel Hill, N. C.: The University of North Carolina Press. 1954. Pp. vii, 274. $6.50.)

This solid study began with the objective of determining "the significance to the South of basing point pricing in the iron and steel industry" (p. v) but was broadened to include, in addition to its regional focus, an analysis of the industry's structure and pricing practices. The empirical analysis is largely confined to the period before 1939 but there are chapters also on developments since 1938, the law on basing point pricing, and the elements of a sound public policy. The author concludes that "The industry's relative stability has been bought in part at the expense of higher cost to producers and higher prices to consumers and at the cost of retarding the South's steel industry" (p. 190).

Booker T. Washington and the Negro's Place in American Life. By Samuel R. Spencer, Jr. (Boston and Toronto: Little, Brown and Co. 1955. Pp. ix, 212. $3.00.)

A well-written life and analysis of the contribution of an important Negro leader appropriately appearing on the eve of the centenary of his birth.

A Check List of Legislative Journals Issued Since 1937 by the States of the United States of America. By William R. Pullen. (Chicago: American Library Association. 1955. Pp. 59.)

The work continues Grace E. MacDonald's *Check-List of Legislative Journals*, published by the National Association of State Libraries in 1938. In the all too brief preface, the compiler, who is the document librarian at the University of North Carolina Library, gives a characterization of this important but not too well edited or published group of state documents. He calls attention to the fact that the journals "frequently contain important legislative and executive documents not issued separately," that Maine and Pennsylvania print debates in place of journals, and that Arkansas and New Mexico have ceased printing the journal record of legislative proceedings. Pullen's work represents a type that needs much attention and action to make the important sources of state documents more available for ready use.—J.B.C.

Crises of the Cities. By Fred K. Vigman. (Washington, D.C.: Public Affairs Press. 1955. Pp. viii, 155. $3.25.)

An interesting survey of the American city stressing that the older cities are "now in the throes of decline and disintegration" and that although the newer cities and towns must yet face their ordeal of growth, there is "no one about to solve the riddle of urban contradiction."

Daniel Webster and the Rise of National Conservatism. By Richard N. Current. Edited by Oscar Handlin. (Boston and Toronto: Little, Brown and Co. 1955. Pp. xi, 215. $3.00.)

An excellent analysis of the political ideas and public career of Webster emphasizing his contribution to the development of a conservative philosophy for American politics.

Emergency Disputes and National Policy. Edited by Irving Bernstein, Harold L. Enarson, and R. W. Fleming. (New York: Harper & Brothers. 1955. Pp. xi, 271. $3.50.)

This is a major contribution on labor-management relations and government responsibilities relating to industrial disputes causing or threatening stoppage of work. The book seeks answers to three questions: (1) What is a national emergency dispute? (2) What is the Taft-Hartley experience? (3) What are the elements of an improved national policy?

Governing Urban America: Structure, Politics, and Administration. By Charles R. Adrian. (New York, Toronto, and London: McGraw-Hill Book Co., Inc. 1955. Pp. vii, 452. $5.50.)

A college textbook designed for either a one- or a two-semester course and developed on the assumptions that municipal government is understandable only if viewed in relation to the whole urban culture and that urban government is not only form but also a political process. It is effectively organized and presented and makes good use of material from related disciplines.

Governor Tryon and his Palace. By Alonzo Thomas Dill. (Chapel Hill: University of North Carolina Press. 1955. Pp. xiii, 304. $5.00.)

The account of the attempt to provide a permanent place of government for North Carolina at New Bern in the third quarter of the 18th century is typical of much work that needs to be done in other states on the reconstruction of problems surrounding early attempts at establishing a permanent seat of government with suitable quarters.—J.B.C.

Greensboro, North Carolina, the County Seat of Guildford. By Ethel Stephens Arnett. (Chapel Hill: University of North Carolina Press, 1955. Pp. xviii, 492. $6.)

The history of the city of Greensboro in Piedmont, North Carolina contains a chapter on the government and special agencies of the city and another on the county government and the leading public servants of Guildford County, and shows a growing appreciation of the part that local government may play in the development of a community.—J.B.C.

The Holmes Reader. Selected and Edited by Julius J. Marke. (New York: Oceana Publications. 1955. 282 pages. $3.50.)

Reprinted here are three commentaries on the life and work of Justice Holmes, a number of his articles, speeches, and letters, Justice Frankfurter's article on "Mr. Justice Holmes and the Constitution," and two opposed evaluations of the eminent justice.

Land Uses in American Cities. By Harland Bartholomew. Assisted by Jack Wood. (Cambridge, Mass.: Harvard University Press. 1955. Pp. x, 196. $6.50.)

Here is a valuable comparative study for those concerned with urban development. The statistical and graphic information presented is derived from uniform land use surveys conducted during the past twenty years by the author and his assistants. The author believes "that the majority of conclusions valid for a diverse group of cities will apply, in appropriately modified form, to any city of approximately the same size."

The Meaning of America: Essays toward an Understanding of the American Spirit. By Leland Dewitt Baldwin. (Pittsburgh, Pa.: University of Pittsburgh Press. 1955. Pp. 319. $4.00.)

A group of interpretive essays which seek "to explain the United States by examining some aspects of its history and its historical psychology." The range is wide and the comment perceptive.

The Populist Revolt: A History of the Farmers' Alliance and the People's Party. By John D. Hicks. (Minneapolis, Minn.: The University of Minnesota Press. 1955. Pp. xii, 473. $6.00.)

A reissue and second printing of "the best account of populism," originally published in 1931 and out of print for some years.

Presidential Ballots, 1836–1892. By W. Dean Burnham. (Baltimore, Md.: The Johns Hopkins Press. 1955. Pp. xix, 956. $10.00.)

A compilation of a series of elaborate tables of statistical information with respect to all presidential elections from 1836 to 1892, inclusive, "broken down to the smallest unit of analysis generally used—the county," introduced by an essay of 162 pages. It carries backward the work of Edgar Eugene Robinson which deals with the presidential vote after 1892.

Principles and Problems of American National Government. By John M. Swarthout and Ernest R. Bartley. (New York: Oxford University Press. 2nd ed. 1955. Pp. xii, 852. $6.25.)

This revised edition of a standard American government text has left unchanged the basic approach of its authors but has sought to strengthen the work in three areas. First, it has brought the story of American government up to date by covering the changes accomplished in the first half of the Eisenhower Administration. Second, additional material has been added on foreign relations and civil liberties. Last, a considerable number of new charts and tables have been included.

The Socialist Party of America: A History. By David A. Shannon. (New York: The Macmillan Co. 1955. Pp. xi, 320. $4.50.)

A careful analysis of the organization, leadership, and activities of the American Socialist party from its formation in 1901 until its "last rites and post mortem" in 1954.

Thomas J. Walsh: A Senator from Montana By Josephine O'Keane. (Francestown' New Hampshire: Marshall Jones Co. 1955' Pp. 284. $4.00.)

A life of a famous United States senator written by a close relative who derived much of her information from family sources and from friends and political associates of the subject. A variety of published sources was also used.

William Lloyd Garrison and the Humanitarian Reformers. By Russel B. Nye. Edited by Oscar Handlin. (Boston and Toronto: Little, Brown and Co. 1955. Pp. vi, 215. $3.00.)

A scholarly and well-written account of the life of Garrison and the part he played in the abolitionist movement.

SELECTED ARTICLES AND DOCUMENTS ON
AMERICAN GOVERNMENT AND POLITICS

FRANKLIN L. BURDETTE
University of Maryland

ARTICLES AND BOOKLETS

National Government

Barth, Alan. When Congress Investigates. Public Affairs Pamphlet No. 227. 1955.

Calkins, G. Nathan, Jr. The Role of the Civil Aeronautics Board in the Grant of Operating Rights in Foreign Air Carriage. *Journal of Air Law and Commerce.* Summer, 1955.

The Expatriation Act of 1954. *Yale Law Journal.* July, 1955.

Gifford, Gilbert L. The Evolution of Air Mail Rate Making. *Journal of Air Law and Commerce.* Summer, 1955.

Problems of American Democracy—III. Immigration and the American Ideal. [Symposium.] *Current History.* November, 1955.

Resources for Citizenship: A Guide to the Selection of Teaching Materials. Citizenship Education Project. 1955.

Seligman, Lester G. Developments in the Presidency and the Conception of Political Leadership. *American Sociological Review.* December, 1955.

State Government

Ackerman, Edward A. States Lagging Behind. *National Municipal Review.* November, 1955.

Dauer, Manning J., and Robert G. Kelsay. Unrepresentative States. *National Municipal Review.* December, 1955.

Earmarked State Taxes. Tax Foundation. 1955.

The Forty-eight States: Their Tasks as Policy Makers and Administrators. The American Assembly, Graduate School of Business, Columbia University. 1955.

Local Government

Bain, Chester W. Annexation: Virginia's

Not-So-Judicial System. *Public Administration Review.* Autumn, 1955.

Baldwin, Rosalind G. Property Tax Updated. *National Municipal Review.* November, 1955.

Blakeman, T. Ledyard. Detroit's Regional Plan. *National Municipal Review.* October, 1955.

Floro, George K. Continuity in City-Manager Careers. *American Journal of Sociology.* November, 1955.

Freeman, Roger A. What Ails Property Tax? *National Municipal Review.* November, 1955.

Kerstetter, John R. 1955 State Legislation Affecting Cities. *Public Management.* September, 1955. Part II, *ibid.* October, 1955.

Richland, W. Bernard. Courts Nullify Home Rule [in New York]. *National Municipal Review.* December, 1955.

Robinson, Donald. Slum Clearance Pays Off. *National Municipal Review.* October, 1955.

Schiller, Ronald. The Los Angeles Smog. *National Municipal Review.* December, 1955.

Stone, Kathryn H. The American Council to Improve Our Neighborhoods. *State Government.* November, 1955.

Trafford, John E. The Town Highway Agent in New Hampshire. Department of Government, University of New Hampshire. 1955.

Intergovernmental Relations

Casella, William N. Cities as Partners in American Federalism. *Public Management.* November, 1955.

May, Samuel C., and James M. Fales, Jr. The State's Interest in Metropolitan Problems. Bureau of Public Administration, University of California, Berkeley. 1955.

Schaller, Howard G. Federal Grants-in-Aid and Differences in State Per Capita Incomes, 1929, 1939, and 1949. *National Tax Journal.* September, 1955.

Willis, William G. A New Look at Intergovernmental Relations. *County Government.* October, 1955.

Constitutional Law and Civil Liberties

Abraham, Henry J. John Marshall Harlan: A Justice Neglected. *Virginia Law Review.* November, 1955.

Barrett, Edward L., Jr. Exclusion of Evidence Obtained by Illegal Searches—A Comment on People vs. Cahan. *California Law Review.* October, 1955.

Bickel, Alexander M. The Original Understanding and the Segregation Decision. *Harvard Law Review.* November, 1955.

Blum, Virgil C., S. J. Religious Liberty and the Religious Garb. *University of Chicago Law Review.* Summer, 1955.

Bowers, Claude G. Jefferson and the Bill of Rights. *Virginia Law Review.* October, 1955.

Fraenkel, Osmond K. Search and Seizure Developments in Federal Law since 1948. *Iowa Law Review.* Fall, 1955.

Louisell, David W. Constitutional Limitations and Supports for Dealing with Religion in Public Higher Education. *Religious Education.* September–October, 1955.

Problems of American Democracy—II. Security in a Free Society. [Symposium.] *Current History.* October, 1955.

Rheinstein, Max. The Constitutional Bases of Jurisdiction. *University of Chicago Law Review.* Summer, 1955.

Sheffey, E. Summers. The First Amendment and Distribution of Religious Literature in the Public Schools. *Virginia Law Review.* October, 1955.

The Supreme Court, 1954 Term. *Harvard Law Review.* November, 1955.

Vestal, Allan D. Freedom of Movement. *Iowa Law Review.* Fall, 1955.

Willcox, Alanson W. Invasions of the First Amendment through Conditioned Public Spending. *Cornell Law Quarterly.* Fall, 1955.

Judicial Administration and Law Enforcement

Conference of Chief Justices, 1955. *State Government.* November, 1955.

Davis, Kenneth Culp. Judicial Notice. *Columbia Law Review.* November, 1955.

Harlan, John M. What Part Does the Oral Argument Play in the Conduct of an Appeal? *Cornell Law Quarterly.* Fall, 1955.

Hill, Alfred. State Procedural Law in Federal Nondiversity Litigation. *Harvard Law Review.* November, 1955.

Hoover Commission and Task Force Reports on Legal Services and Procedure. [Symposium.] *New York University Law Review.* November, 1955.

Levy, Sheldon S. Hypnosis and Legal Immutability. *Journal of Criminal Law, Criminology and Police Science.* September–October, 1955.

Mendelson, Wallace. Mr. Justice Frankfurter on the Construction of Statutes. *California Law Review.* October, 1955.

Municipal Law Enforcement in Oklahoma.

Oklahoma Crime Survey Commission, Oklahoma City. 1955.

Obscenity and the Arts. [Symposium.] *Law and Contemporary Problems*. Autumn, 1955.

Repeal by Implication. *Columbia Law Review*. November, 1955.

Rose, Arnold M., and Arthur E. Prell. Does the Punishment Fit the Crime? *American Journal of Sociology*. November, 1955.

Savitz, Leonard D. Capital Crimes as Defined in American Statutory Law. *Journal of Criminal Law, Criminology and Police Science*. September–October, 1955.

The Virginia Parole System: An Appraisal of Its First Twelve Years. Bureau of Public Administration, University of Virginia. 1955.

Public Administration and Administrative Law

Byers, Kenneth, M. Robert Montilla, and Elmer V. Williams. Elements of Position Classification in Local Government. Civil Service Assembly. 1955.

Communication in Administration. *Public Management*. October, 1955.

Crouch, Winston W., and Judith Norvell Jamison. The Work of Civil Service Commissions. Civil Service Assembly. 1955.

Digests and Analyses of the Nineteen Hoover Commission Reports. Citizens Committee for the Hoover Report. [1955].

Divine, William R. The Second Hoover Commission Reports: An Analysis. *Public Administration Review*. Autumn, 1955.

Henry, Laurin L. Louis Brownlow and the Governmental Arts. *Western Political Quarterly*. September, 1955.

Schwartz, Bernard, Grays vs. Powell and the Scope of Review. *Michigan Law Review*. November, 1955.

White, Leonard D. The Senior Civil Service. *Public Administration Review*. Autumn, 1955.

Political Parties, Elections, and Public Opinion

Acheson, Dean. The Parties and Foreign Policy. *Harper's Magazine*. November, 1955.

Brown, W. R. State Regulation of Union Political Action. *Labor Law Journal*. November, 1955.

Coulson, Robert E. Let's Not Get Out the Vote. *Harper's Magazine*. November, 1955.

David, Paul T., and Ralph M. Goldman. Presidential Nominating Patterns. *Western Political Quarterly*. September, 1955.

De Santis, Vincent P. Benjamin Harrison and the Republican Party in the South, 1889–1893. *Indiana Magazine of History*. December, 1955.

Eulau, Heinz. Class Identification and Projection in Voting Behavior. *Western Political Quarterly*. September, 1955.

Gold, David. The Statistical Lie Detector: An Application to Possibly Evasive Responses in a Voting Behavior Study. *American Sociological Review*. October, 1955.

Harris, Joseph P. California Politics. Stanford University Press. 1955.

Lasswell, Harold D. Current Studies of the Decision Process: Automation versus Creativity. *Western Political Quarterly*. September, 1955.

Martin, Miller Lee. Political Activity Restrictions in Louisiana. *Public Personnel Review*. October, 1955.

McCandless, Perry. The Rise of Thomas H. Benton in Missouri Politics. *Missouri Historical Review*. October, 1955.

Norton-Taylor, Duncan. What's Wrong with [the Republican Party in] Michigan? *Fortune*. December, 1955.

Parsons, Arthur H., Jr. Button, Button or, How We Elected Eisenhower. *Harper's Magazine*. October, 1955.

Shadgett, Olive H. Voter Registration in Georgia: A Study of Its Administration. Bureau of Public Administration, University of Georgia. 1955.

Smith, G. Wayne. Nathan Goff, Jr., and the Solid South. *West Virginia History*. October, 1955.

Tannenbaum, Percy H. What Effect When TV Covers a Congressional Hearing? *Journalism Quarterly*. Fall, 1955.

Turner, Lynn W. The Electoral Vote against Monroe in 1820—An American Legend. *Mississippi Valley Historical Review*. September, 1955.

Van Bolt, Roger H. The Rise of the Republican Party in Indiana, 1855–1856. *Indiana Magazine of History*. September, 1955.

Economic and Social Functions

National Economy

Brown, E. Cary. The Static Theory of Automatic Fiscal Stabilization. *Journal of Political Economy*. October, 1955.

Tax Policy in 1956. Committee for Economic Development. 1955.

Business and Labor

Benewitz, Maurice C. Recent Right-to-Work Decisions: A Challenge. *Labor Law Journal*. November, 1955.

Card, David E. Information Requests in Collective Bargaining. *Labor Law Journal.* November, 1955.

Daykin, Walter L. NLRB Jurisdictional Standards: II. *Labor Law Journal.* October, 1955.

Dewey, Donald. The Common-Law Background of Antitrust Policy. *Virginia Law Review.* October, 1955.

Emerzian, A. D. Joseph. Standards in Labor Arbitration Awards. *Labor Law Journal.* November, 1955.

Herman, Edward S. A Note on Fair Trade. *Yale Law Journal.* November, 1955.

Langdon, Jervis, Jr. The Regulation of Competitive Business Forces: the Obstacle Race in Transportation. *Cornell Law Quarterly.* Fall, 1955.

Loescher, Samuel M. Inert Antitrust Administration: Formula Pricing and the Cement Industry. *Yale Law Journal.* November, 1955.

Mason, Lowell B. Bureaucracy Psychoanalyzed: Antitrust vs. National Standards. *Harvard Business Review.* November–December, 1955.

Mitchell, James P. Federal-State Cooperation for Labor Standards and Security. *State Government.* October, 1955. Part II, *ibid.* November, 1955.

Mittenthal, Richard. Partial Strikes and National Labor Policy. *Michigan Law Review.* November, 1955.

The "New" Federal Trade Commission and the Enforcement of the Antitrust Laws. *Yale Law Journal.* November, 1955.

Ritchie, J. T. Cumulative Voting for Corporate Directors. *Chicago-Kent Law Review.* September, 1955.

Sobernheim, Rudolf, and William J. Brown. Collective Bargaining on Stock Purchase Plans: What Price Employee Stock Ownership? *Columbia Law Review.* November, 1955.

Stocking, George W. The Rule of Reason, Workable Competition, and Monopoly. *Yale Law Journal.* July, 1955.

Symposium on Antitrust Law. *George Washington Law Review.* October, 1955.

Toner, Jerome L., O.S.B. The Taft-Hartley Union Shop Does Not Force Anyone to Join a Union. *Labor Law Journal.* October, 1955.

Weisenfeld, Allan. An Alternative to the Guaranteed Annual Wage. *Labor Law Journal.* October, 1955.

Wilson, Richard G. Products Liability. Part I: The Protection of the Injured Person. *California Law Review.* October, 1955.

Wollett, Donald H., and Harry H. Wellington. Federalism and Breach of the Labor Agreement. *Stanford Law Review.* July, 1955.

Agriculture

Full Prosperity for Agriculture. Conference on Economic Progress, Washington 6. 1955.

Hardin, Charles M. Farm Price Policy and the Farm Vote. *Journal of Farm Economics.* November, 1955.

Kriesberg, Martin. Trade Group Relations and the Conduct of Agricultural Marketing Research. *Public Administration Review.* Autumn, 1955.

Health, Education, and Welfare

Brown, Francis J., and Thorsten Sellin, eds. Higher Education under Stress. [Symposium.] *The Annals.* September, 1955.

Mandelker, Daniel R. The Need Test in General Assistance. *Virginia Law Review.* November, 1955.

Pfister, Harriet S. Kansas State Board of Health. Governmental Research Center, University of Kansas. 1955.

Problems of American Democracy—I. Education in Crisis. [Symposium.] *Current History.* September, 1955.

Reller, Theodore L. The Public School and Other Community Services. [Symposium.] *The Annals.* November, 1955.

Ruml, Beardsley, and Sidney G. Tickton. Teaching Salaries Then and Now. Fund for the Advancement of Education. 1955.

Teachers for Tomorrow. Fund for the Advancement of Education. 1955.

Government Documents

Congress

House. Committee on Agriculture. Amendments to Sugar Act of 1948. Hearings. 84th Cong., 1st Sess. 1955.

———. Committee on Banking and Currency. Investigation of Housing, 1955. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on Government Operations. Creation of a Department of Urbiculture. Hearing before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Practices and Procedures of the Immigration and Naturalization Service in Deportation Proceedings. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Reorganization of the Immigration and Naturalization Service. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on the Judiciary. Civil Rights. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Conflict of Interest [Peter A. Strobel]. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Current Antitrust Problems. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Establishing Rules of Interpretation Governing Questions of the Effect of Acts of Congress on State Laws. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. WOC's and Government Advisory Groups. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on Post Office and Civil Service. To Readjust Postal Classifications on Educational and Cultural Materials. Hearing. 84th Cong., 1st Sess. 1955.

———. Committee on Ways and Means. Excise Tax Technical and Administrative Problems. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Select Committee on Small Business. Distribution Problems. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

House and Senate. Joint Committee on the Economic Report. Automation and Technological Change. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Federal Tax Policy for Economic Growth and Stability. Joint Committee Print. 84th Cong., 1st Sess. 1955.

——— ———. Reports of Federal Reserve Consultant Committees on Economic Statistics. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

Senate. Committee on Armed Services. Civil Defense Program. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on Banking and Currency. Repeal of Silver Purchase Laws. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on Government Operations. Harold E. Talbott—Secretary of the Air Force. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Textile Procurement in the Military Services. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on the Judiciary. Creation of Certain United States Judgeships. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Illicit Narcotics Traffic. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. Juvenile Delinquency (Education). Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

——— ———. A Study of the Antitrust Laws. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on Labor and Public Welfare. Causes of Unemployment in the Coal and Other Domestic Industries. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

———. Committee on Public Works. Tennessee Valley Authority Financing. Hearings before Subcommittee. 84th Cong., 1st Sess. 1955.

Other Federal

Atomic Energy Commission. Legislative History of the Atomic Energy Act of 1954. Compiled by Madeleine W. Losee. 3 vols. 1955.

Department of Commerce. Housing and Home Finance Agency. The Cost of Municipal Services in Residential Areas. By William L.C. Wheaton and Morton J. Schussheim. 1955.

[Department of Defense.] Militant Liberty: A Program of Evaluation and Assessment of Freedom. 1955.

FOREIGN AND COMPARATIVE GOVERNMENT

The Politics of the Prussian Army, 1640–1945. By Gordon A. Craig. (New York: Oxford University Press. 1955. Pp. xx, 536. $11.50.)

The documentary windfalls resulting from the transfer of German archives to Allied control have enabled historians to correct numerous errors of judgment and of omission. One of the most serious errors in that respect concerned the role and influence of the German army in domestic and international politics. Now that the Seeckt, Groener, and Stresemann papers, to mention only the most significant of the newly acquired sources, provide a better insight into the phenomenal political prowess and influence of the army leadership, the conclusion is strengthened that historical research without the benefit of access to secret files is partial at best.

Professor Craig's excellent study is a long step toward elimination of a serious gap. It is regrettable than an element of confusion is introduced by the designation of the book as an analysis of the Prussian army. Actually, this is not only a study of the *Prussian* army but also of "the German army which grew out of it and which inherited its traditions." The author's contribution lies primarily in a re-evaluation of German history in the light of new insights, particularly concerning the scope and intensity of the army's interference in the affairs of several Prussian and all-German regimes. Skilfully applying new perspectives to long familiar and presumedly exhausted accounts, Craig uncovers many hitherto concealed emphases and camouflaged relationships. In the sphere of conflict between civilian (absolute, constitutional-monarchic, or democratic) authority and the military, the study tends to reverse the roles of some heroes and of some villains.

The gradual but steady arrogation of political power by the leaders of Prussia's army set the stage for the anomaly of all subsequent German constitutional systems, namely the existence of a virtually sovereign military state within the constitutional framework. The power and prestige enjoyed by the military in all Prussian-German states from 1640 to 1933 stemmed from two related factors. First, there appears to have developed, as a direct result of the military origins of the economically, politically, and ideologically weak Prussian state, an identification of the military establishment as "the true embodiment of the national interest." This identification was widespread and gradually accepted by all social and economic classes. Where there was evidence of scepticism, social and educational policies were designed to cope with the lack of enthusiasm. Second, the army succeeded in finding powerful allies in its campaign to translate this identification with the national interest into significant constitutional and political privileges. At times, it seems that the state existed for the benefit of the army instead of the other way around.

In addition to the illuminating discussion of the army's march to political power, the study throws new light on the formulation, conduct, and control of Prussian, subsequently German, foreign policy. The book is indispensable reading for the student of past and of contemporary German affairs. Having read this book, the reader will follow the current discussions concerning the new German army with bated breath.—Henry L. Bretton, *University of Michigan.*

Communism and the Russian Peasant, and Moscow in Crisis. By Herbert S. Dinerstein, and Leon Gouré and Herbert S. Dinerstein, Respectively. (Glencoe: The Free Press. 1955. Pp. xviii, 254, $4.50.)

It is gratifying to be able to endorse the appraisal of Professor Mosley given in the Foreword to this volume: "These two investigations make valuable contributions, in both substance and methodology, to the study of the Soviet system of control." Beyond that the first renders unmistakable support to the thesis brilliantly stated shortly before World War II by Walter Lippmann in *The Good Society* that it is impossible to serve the general welfare through total planning and the abandonment of the market. Planning cannot supplant the market either in providing incentives or in organizing the countless transactions in terms of which a modern society operates.

The first investigation deals with the impact of Communist organization of agriculture upon the Russian peasant. It also seeks to evaluate the success of that organization in accomplishing the targets consciously set by the leaders. Attempting to get behind the official façade, Dinerstein concludes that Soviet agriculture is a failure in accomplishing the needs of the people. Bureaucracy proliferates, becomes an end in itself, and devises methods for showing on paper what it cannot show in fact. Using a conception of the possible, data provided by informants, and materials from the Soviet press, the author produces a picture of the failure of the system and of the methods it implies. In this context the tragic fact appears that the regime will persist in the employment of methods that have been destined to failure from the beginning. The author shows a commendable willingness to set down generalizations and evaluations as ambitious as the data appear to warrant. This reviewer is convinced that the conclusions of this study are valid. It would have been an invaluable contribution if the author had described in detail the methods he has employed in using informants, how he has balanced the particular perspective of one against that of others, how he selected them in terms of background. This is not to suggest, of course, that informants must be evaluated statistically or multiplied to reach some magic figure or cross-section.

The second investigation employs similar methods in describing what happened in Moscow in the government, in the relations of government to the people, and among the people as the Germans approached the city in October, 1941. The result is a capsule study of a dictatorship in a moment of travail. All the special problems of control and communication emerge. A kind of tragic vignette presents itself in the details of which can be seen the potential in the people for spontaneous action and reaction. How special and fragile is the rapport between the government and the people! Lessons of vital importance for present and future attempts to deal with the Soviet Union emerge. But in this case also, the authors would have increased the confidence of their readers had they revealed more fully their method of using informants. The reviewer is not suggesting that they should have done what they did not mean to do, but only that he would have profited greatly from such information.—George A. Lipsky, *American University.*

The Failure of the Roman Republic. By R. E. Smith. (New York and London: Cambridge University Press. 1955. Pp. viii, 201. $4.75.)

Professor Smith and Cicero would have had much in common. Both regret the failure of the Roman republic and they would have agreed that its collapse was due not to the failure of governmental institutions but to the decay of the Roman spirit and traditional morality. The cause of this decline is seen by Professor Smith in the tactics adopted by the Gracchi who, on the basis of political expediency, turned the people against the Senate and thus ushered in a succession of increasingly bitter civil strifes with disastrous consequences for the tone of Roman culture as a whole. In a sense Professor Smith's analysis is Aristotelian for it poses the question: if a people lose the spirit of their polity how can the constitution survive? The spirit of the republic was destroyed and the Augustinian revival, although it revitalized Rome, did so on the basis of another "polity," for the republic once destroyed could, despite Cicero's longings, never be recreated again.

Japan's Modern Century. By Hugh Borton. (New York: The Ronald Press Co. 1955. Pp. xii, 524. $7.00.)

A useful and well-written history of Japan since 1850. About 100 pages are devoted to the war and postwar years, and the conclusion stresses the persistence of Japan's "undemocratic" traditions and of economic dilemmas. An appendix includes the Potsdam Proclamation, the 1945 surrender document and Imperial Rescript, and the 1889 and 1946 constitutions.

Modern Japan: A Brief History. By Arthur E. Toedemann. (Princeton, N. J., New York, Toronto, and London: D. Van Nostrand Company, Inc. 1955. Pp. 192. $1.25.)

From Shogunate to 1954 in 90 pages, plus another 80 pages of documents, including the 1636 edict closing Japan, the Meiji Constitution, the Twenty-One Demands, the Tanaka Memorial, the new Constitution, and the 1951 peace treaty. History admirably compressed and documents well-selected.

Indonesian Trade and Society: Essays in Asian Social and Economic History. By J. C. van Leur. (The Hague, Bandung: W. Van Hoeve Ltd. Distributed in the United States by the Institute of Pacific Relations. 1955. Pp. xix, 465. $4.00.)

A translation of the collected papers of a young Netherlands civil servant who was killed in 1942 in the battle of the Java Sea, and whose studies and theories have only recently gained considerable acceptance among Indonesian scholars; his approach is a break with the Dutch "colonial historians" and is an attempt to apply Max Weber's methodology to the study of the social and economic history of Southeast Asia.

Indonesian Sociological Studies. Part I. Selected Writings of B. Schrieke. (The Hague, Bandung: W. Van Hoeve Ltd. Distributed in the United States by the Institute of Pacific Relations. 1955. Pp. vii, 313. $3.00.)

Translations from some pioneering work by the late Dutch sociologist, including a general article on acculturation, three studies on specific aspects of acculturation in Indonesia, and a paper on communism in prewar Indonesia. Except for the last paper, the researches are concerned with the nineteenth century and earlier.

Integrated Europe? By Michael T. Florinsky. (New York: The Macmillan Co. 1955. Pp. x, 182. $3.50.)

Professor Florinsky has no quarrel with the arguments in favor of a unified Europe, is impressed with the progress in the field of military defense, but is skeptical that any real advance toward economic or political unification can overcome the traditions and the realities which bar the way.

North American Supply. By H. Duncan Hall. (London: Her Majesty's Stationery Office and Longmans, Green and Co. 1955. Pp. xvi, 559. $6.30.)

A volume in the British official history of the Second World War, this study will be of general interest to anyone concerned with the problems of procurement and supply for modern war, and should be of special value to American political scientists for its attention to (a) the prewar role of the United States, including neutrality laws, the destroyer-bases trade, and events leading up to lend-lease; (b) the mechanics and the administration of wartime economic collaboration; and (c) the indications of trouble to come in the exchange difficulties arising from the end of lend-lease.

Victorian People: A Reassessment of Persons and Themes, 1851–67. By Asa Briggs. (Chicago, Ill.: The University of Chicago Press. 1955. Pp. ix, 312. $5.00.)

Curious, entertaining, and very British collection of essays about ten Englishmen and the years from the Great Exhibition of 1851 to the Second Reform Bill of 1867. Through an examination of the thought, writing, and activities of these men—many not familiar to the present generation (e.g., Sir Joseph Paxton, John Arthur Roebuck, Samuel Smiles, John Bright, Robert Lowe)—the author seeks to demonstrate the "unity" of the "golden age" of Victorian England.

Between Liberation and Liberty: Austria in the Post-War World. By Karl Gruber. Translated by Lionel Kochan. (New York: Frederick A. Praeger. 1955. Pp. 240. $4.50.)

An English translation of a book first published in German in Vienna in 1953. Using his first-hand knowledge gained as Foreign Minister of Austria from 1945 to 1953, the author, at present his country's ambassador in Washington, gives a vivid personal account of the negotiations conducted in the quest for an Austrian Peace Treaty.

The Colossus Again: Western Germany from Defeat to Rearmament. By Alfred Grosser. Translated by Richard Rees. (New York: Frederick A. Praeger. 1955. Pp. 249. $4.75.)

Having examined the causes and the manner in which Germany was split into two states, the author, a French student of German affairs, considers the major developments in Western Germany up to 1954. He deals successively with the economic problems; the social structure, concentrating mainly on youth, workers, and expellees from the East; moral and intellectual forces and influences, such as church, school, and press; and the political "superstructure." He concludes with a brief discussion of French opinion on Germany.

The Failure of the Prussian Reform Movement, 1807–1819. By Walter M. Simon. (Ithaca, N. Y.: Cornell University Press, 1955. Pp. xii, 272. $4.00.)

The purpose of this book is to analyze the obstacles which foiled the Prussian reform movement in 1807–1819 and thus, as the author puts it, "made it certain that when Germany was finally unified, German cultural values were submerged by unreconstructed Prussian militarism and authoritarianism." Among the major causes of the failure he lists the inability of German liberals and nationalists to reach a working alliance, the collapse of the European balance of power which made Prussia vulnerable to pressures from abroad, and the impact of certain actions of Napoleon.

The Russian Marxists and the Origins of Bolshevism. By Leopold H. Haimson. (Cambridge, Mass.: Harvard University Press. 1955. Pp. viii, 246. $5.50.)

In this book an attempt is made to evaluate the conditioning character of the environment in which the nineteenth-century Russian intellectuals developed and to indicate how this environment unshackled and yet limited the potentialities of the leaders of Russian Marxism: Plekhanov, Axselrod, Mattov, and Lenin. Although these four men were inheritors of the same intellectual tradition, they were nevertheless distinguished by certain personality differences which eventually resulted in the formation of two divergent views as to the method of applying Marxism in Russia: Bolshevism and Menshevism. The author sees these differences as coming to the fore when the autocracy, opposition to which had been the unifying force among the four men, commenced to totter and the possibilities of successful revolution began to emerge. By 1905, the point of terminus of the authors' study, these differences had become apparent and became permanently embodied in the Leninist theory of party dictatorship and the Menshevik's policy of democratization of the party structure.

The book is a stimulating essay in intellectual history and of considerable value in explaining the relationship of Russian Marxism to the environment in which it grew and developed.

Electoral Practices in the U.S.S.R. BY GEORGE BARR CARSON, JR. (New York: Frederick A. Praeger. 1955. Pp. viii, 151. $3.50.)

A matter-of-fact description of the system of elections to local soviets in the USSR and of its operation in practice. An introduction summarizes briefly the main features of the electoral system of Tsarist days.

Government Publications: Official Indexes, Lists, Guides, Catalogues. (London: H. M. Stationery Office. 1955. Pp. 14.)

This useful statement about the various types of indexes, etc., to British government publications was first issued in 1939, is intended "for the convenience of librarians, officials and other specialist users," contains many informative notes, and indicates those indexes, etc., that are no longer available in print. At the end, a statement is given about the catalog service of H. M. Stationery Office. Since this is not a priced publication, it may easily escape attention despite its importance. —J.B.C.

House of Commons, 1955, with Full Results of the Polling, Biographies of Members and Unsuccessful Candidates, Photographs of all Members, and a Complete Analysis, Statistical Tables, and a Map of the General Election, May, 1955. (London, The Times, 1955. Pp. 284. Map. 12/6.)

This work, referred to as *The Times Guide to the House of Commons*, 1955, includes in addition to the analysis of the election of 1955 a statement of the electoral boundary revisions, and reproduces the principal party manifestoes. The main part of the work is a biographical directory with portraits, and the volume might be characterized as an unofficial directory of the House of Commons.—J.B.C.

Senato e Camera nei Loro Rapporti e Conflitti (1848–1948). BY SPARTACO CANNARSA. (Roma: Scarano. 1955. Pp. 310.)

The analysis in chronological order of the two legislative chambers of Italy from the time of the Sub-Alpine Parliament to the end of the Kingdom of Italy is characterized as a "Piccola enciclopedia parlamentare," and presents material about one of the great foreign parliaments that should in some degree be more readily available in English.—J.B.C.

Handbuch der Sowjetzonen-Volkskammer. 2. Legislaturperiode (1954–1958). BY INFORMATIONSBÜRO WEST. (Berlin-Schlachtensee. 1955. Pp. 386.)

Since the Volkskammer of the German Democratic Republic has never issued a *Handbuch* as has the Bundestag of the German Federal Republic, the Informationsbüro West has attempted to supply the deficiency as of June, 1955. About 240 pages are devoted to biographical sketches of the deputies. Thus anyone desiring information about these individuals may have access to it freely so far as it has been possible to collect it, without being open to the charge of spying. In addition to the 400 deputies, sketches are given for only about half of the 66 representatives from Berlin. At the beginning of the volume, the text of the constitution of the German Democratic Republic, the election laws, and the rules of procedure of the Volkskammer are given. At the end of the volume are included the law and regulation concerning the Ministerrat, a brief directory of the government, and the laws and orders concerning the conferment of state orders and distinctions. For the first time, up to date basic information about the organization of the German Democratic Republic is readily accessible in one place.—J.B.C.

Verzeichnis der Behörden in Baden-Württemberg, Frühjahr, 1955. BY THE INNENMINISTERIUM. (Stuttgart. 1955. Pp. 95.)

Amtliches Gemeindeverzeichnis Baden-Württemberg, 1955, mit Behördenführer. BY STATISTISCHES LANDESAMT. (Stuttgart. 1955. Pp. 194. Statistik von Baden-Württemberg. Bd. 18. DM 3.)

The official directory for the new state of Baden-Württemberg includes at the beginning a directory of the Federal agencies functioning in that state, and at the end "Kirchen und sonstige Religionsgemeinschaften" as well as "Spitzenverbände und Vereinigungen," and was issued as a "Beilage zum Gemeinsamen Amtsblatt." There is an index to agencies but not to persons. On pages 4–5 is a table of abbreviations to offices, titles, etc.

The official list of the cities, towns, and other governmental districts of Baden-Württemberg gives the area and population and contains by Kreis a statement of the various state agencies having jurisdiction or functioning there.—J.B.C.

The Ethiopian Empire—Federation and Laws. BY NATHAN MAREIN. (Rotterdam: Royal Netherlands Printing and Lithographing Co. 1954. Pp. 455.)

Marein, as advocate general and general adviser to the Imperial Ethiopian government, had unusual opportunity to become thoroughly familiar with the material treated, and published this work privately on his own initiative. The first chapter of about fifty pages deals with the constitution and government of Ethiopia. Chapter 16 is devoted to a short history of the administration and constitution of Eritrea, which was federated with Ethiopia in September, 1952.—J.B.C.

Lista del Cuerpo Diplomático y Directorio del Gobierno Nicaragüense. BY DIRECCIÓN DEL CEREMONIAL DIPLOMÁTICO, MINISTERIO DE RELACIONES EXTERIORES. (Managua, Nicaragua: Talleres Nacionales de Imprenta y Encuadernación. 1955. Pp. 81.)

In view of the great difficulty in securing up-to-date information as to the principal officials of the government in many countries, it is particularly refreshing to note that the current edition of the Nicaraguan diplomatic list as of March, 1955, includes a government directory on pages 56–76.—J.B.C.

Código Electoral. Con sus Modificaciones y Resoluciones del Tribunal Superior Electoral. Para las Elecciones Generales del 1.o de Noviembre de 1954. EDITED BY LCDO. MICO URRUTIA. (Habana: Imp. Valcayo. 1954. Pp. 144.)

An unofficial edition of the Cuban Electoral Code, which was promulgated as decree-law no. 1215 of November 26, 1953, published in the *Gaceta oficial*, December 10, 1953, to govern the elections of November 1, 1954.—J.B.C.

Althingiskosningar, árið 1953. (Reykjavik. 1954. Pp. 36. Hagskyrslur Islands, II 8. Kr. 6.00.)

The official statistical report on the 1953 elections to the Althing, the Parliament of Iceland, although in Icelandic, has the captions to the tables also in English, thus making the tables available for the use of those not reading Icelandic. In 1953, the total number of registered voters was 87,601.—J.B.C.

SELECTED ARTICLES AND DOCUMENTS ON

FOREIGN AND COMPARATIVE GOVERNMENT

WILLIAM H. ROBERTS
Catholic University of America

General

Brügel, J. W. Der Londoner Kongress der Sozialistischen Internationale. *Europa Archiv.* September 5, 1955.

Burdeau, G. Situación de la Democracia Pluralista. *Revista de Estudios Politicos.* July–August, 1955.

Corry, J. A. The Prospects for the Rule of Law. *Canadian Journal of Economics and Political Science.* November, 1955.

Darbellay, J. L'Action du Pouvoir sur l'Évolution du Droit. *Zeitschrift für Schweizerisches Recht.* Nos. 4/5, 1955.

Diesing, P. Noneconomic Decision-Making. *Ethics.* October, 1955.

Freund, L. The New American Conservatism and European Conservatism. *Ethics* October, 1955.

Giacometti, Z. Die Freiheitsrechtskataloge als Kodifikation der Freiheit. *Zeitschrift für Schweizerisches Recht.* Nos. 4/5, 1955.

Kelsen, H. Foundations of Democracy. *Ethics.* October, 1955.

Specific Areas

United Kingdom

Beet, E. H. Parliament and Delegated Legislation. *Public Administration.* Autumn, 1955.

Borrie, G. J. The Advantages of the Declaratory Judgement in Administrative Law. *Modern Law Review.* March, 1955.

The British Program of Nuclear Power.

Bulletin of the Atomic Scientists. June, 1955.

British Progress in Nuclear Development. *Labor and Industry in Britain*. September, 1955.

The Budget, 1955. *Notes on Current Politics*. May 2, 1955.

The Budget Proposals. *Economist*. October 29, 1955.

Clegg, H. A. The Fleck Report. *Public Administration*. Autumn, 1955.

Collins, S. The British-Born Coloured. *Sociological Review*. July, 1955.

Conservative Party. Great Britain. Research Department. Local Elections, 1955. London, Conservative Research Department, 1955.

Duncan-Jones, A. Thoughts on the Government of Modern Universities. *Universities Quarterly*. May, 1955.

Evely, R. The Monopolies Commission Decides to Ban These Practices. *Cartel*. July, 1955.

Fienburgh, W. The Politics of Welfare. *Twentieth Century*. July, 1955.

Galloway, G. B. Congress and Parliament. Washington, National Planning Association, 1955.

Gamser, H. G. Interunion Disputes in Great Britain and the United States. *Industrial and Labor Relations Review*. October, 1955.

Godfrey, J. L. Onward from Success: the Tory Victory. *Virginia Quarterly Review*. Autumn, 1955.

Great Britain. Scottish Education Department. Public Education in Scotland. Edinburgh, H.M.S.O., 1955.

Hanwell, P. The Hydrogen Bomb and British Politics. *Contemporary Issues*. August–September, 1955.

Keeton, G. W. Natural Justice in English Law. *Current Legal Problems*, 1955.

Lloyd, D. Law and Public Policy. *Current Legal Problems*, 1955.

Marsh, P. D. V. Legal Aspects of the National Coal Board as a State Trader in the Import and Export of Coal. *International and Comparative Law Quarterly*. October, 1955.

Mullins, C. Doubts about the Welfare State. *Quarterly Review*. July, 1955.

Murphy, M. E. Final Report of the British Royal Commission on Taxation. *Tax Policy*. July, 1955.

A Programme for Nuclear Power. London, H.M.S.O., 1955 (Cmd. 9389).

Retrospect of Crichel Down: Departments and Private Rights. *Round Table*. September, 1955.

Robson, W. A. Public Inquiries as an Instrument of Government. *British Journal of Administrative Law*. December, 1954.

Rogow, A. A. Labor Relations under the British Labor Government. *American Journal of Economics and Sociology*. July, 1955.

Sinker, P. The Recruitment and Training of the British Foreign Service. *India Quarterly* July–September, 1955.

Summerskill, E. The Functions of Tribunals within the Modern State. *British Journal of Administrative Law*. December, 1954.

Taplin, W. Britain's New Economy. Toronto, Canadian Institute of International Affairs, 1955.

Wheare, K. C. Are Our Parliamentary Institutions Best? *Listener*. November 3, 1955.

Colonial Areas

Anderson, J. D. N. Islamic Law in Africa. London, H.M.S.O., 1954.

Bates, M. L. Tanganyika: the Development of a Trust Territory. *International Organization*. February, 1955.

Bauer, P. T. The Economic Development of Nigeria. *Journal of Political Economy*. October, 1955.

Carnell, F. G. The Malayan Elections. *Pacific Affairs*. December, 1955.

East Africa: the Royal Commission. *Round Table*. September, 1955.

Economic Man in East Africa. *Round Table*. September, 1955.

Francis, E. C. Kenya's Problems. *African Affairs*. July, 1955.

Goldthorpe, J. E. An African Elite. *British Journal of Sociology*. March, 1955.

Great Britain. British Information Services. Reference Division. The Road to Self-Government: Constitutional Development in the British Colonial Territories. London, 1955.

———. Central Office of Information. Refence Division. Constitutional Progress in the Federation of Malaya and in Singapore. London, 1955.

———. Central Office of Information. Reference Division. Economic Development in the U.K. dependencies. London, 1955.

Holland, D. C. Equality before the Law. *Current Legal Problems*, 1955.

Liebesny, H. J. Administration and Legal Development in Arabia: Aden Colony and Protectorate. *Middle East Journal*. Autumn, 1955.

The Liverpool Conference. *African Affairs.* January, 1955.

Niven, C. R. Recent Developments in Nigeria. *African Affairs.* April, 1955.

Saloway, R. The New Gold Coast. *International Affairs.* October, 1955.

Shannon, M. Rehabilitating the Kikuyu. *African Affairs.* April, 1955.

Commonwealth of Nations

Balogh, T. India's Second Five-Year Plan. *Banker.* August, 1955.

Barton, W. India, North and South. *Quarterly Review,* July, 1955.

Bertrand, A. The Civil Service Academy of Lahore and the Training of Members of the Civil Service of Pakistan. *International Social Science Bulletin.* No. 2, 1955.

Carr, R. Conflicts within the Indian CP. *Problems of Communism.* September–October, 1955.

Commonwealth of Australia. Report of the Royal Commission on Espionage. Sydney, A. H. Pettifer, 1955.

Copland, D. The Commonwealth of Nations as a Living Organism. *South Atlantic Quarterly.* October, 1955.

Donaldson, A. G. The Constitution of Northern Ireland. *University of Toronto Law Journal.* No. 1, 1955.

Franck, T. The Governor General and the Head of State Functions. *Canadian Bar Review.* December, 1954.

Gledhill, A. The Judiciary in Pakistan. *Indian Yearbook of International Affairs,* 1954.

Great Britain. Central Office of Information. Reference Division. Constitutional Development in the Commonwealth: pt. 1: Member Countries. London, 1955.

Green, L. P. Municipal Coordination. *Public Administration.* Autumn, 1955.

Gundappa, D. V. The Indian States and the Linguistic Problem. *Indian Yearbook of International Affairs,* 1954.

Hall, H. D. The British Commonwealth. *Proceedings of the American Philosophical Society.* August 30, 1955.

Indien. A Symposium. *Universitas.* November, 1955.

Johnson, C. O. The State of Victoria Investigates Communism. *Western Political Quarterly.* September, 1955.

Kelson, R. N. The New Zealand National Party. *Political Science* (Wellington). September, 1954.

Kuller, G. I. S. A Militia versus a Standing Army. *Military Review.* November, 1955.

Lingamurty, V. Elections in Andhra. *Indian Journal of Political Science.* April–June, 1955.

Lothian, A. Sidelight on Indian Federation. *Quarterly Review.* July, 1955.

Luthera, V. P. Freedom of Religion under the Indian Constitution and the Foreign Missionaries. *Indian Journal of Political Science.* April–June, 1955.

Maas, W. Zur Entwicklung der KP in Indien. *Osteuropa.* October, 1955.

Maron, S. A. New Phase in Pakistan Politics. *Far Eastern Survey.* November, 1955.

Mukerji, R. Our Progress towards a Welfare State. *Indian Journal of Political Science.* April–June, 1955.

Nuclear Energy in Peace: Progress in the Commonwealth. *Round Table.* September, 1955.

Parthasarathi, V. V. India and the Commonwealth. *Indian Yearbook of International Affairs.* 1954.

Perry, J. H. What Price Provincial Autonomy? *Canadian Journal of Economics and Political Science.* November, 1955.

Porter, J. Elite Groups: a Scheme for the Study of Power in Canada. *Canadian Journal of Economics and Political Science.* November, 1955.

Quresni, I. M. Relations between the Hindus and the Muslims in the Subcontinent of India and Pakistan. *Civilisations.* No. 1, 1955.

Shepherd, R. H. W. The South African Bantu Education Act. *African Affairs.* April, 1955.

Thomson, D. C. A Survey of the Australian Industrial Tribunals. *Industrial Law Review Quarterly.* July, 1955.

Townsley, W. A. The Labour Party in a Changing Society. *Australian Quarterly.* March, 1955.

Venkatachar, C. S. The Unity of India. A Study in Geopolitics. *Indian Yearbook of International Affairs,* 1954.

Woods, H. D. Canadian Collective Bargaining and Dispute Settlement Policy. *Canadian Journal of Economics and Political Science.* November, 1955.

Zinkin, T. Nehruism. *Pacific Affairs.* September, 1955.

Western Europe

Analyses de Droit Administratif Français. Symposium. *Revue du Droit Public et de la Science Politique.* July–September, 1955.

Besson, J. Les Élections Régionales Siciliennes du 5 Juin 1955. *Revue Française de Science Politique.* July–September, 1955.

Boisdé, R. Travaillisme, ou Gauche Liberale. *Revue des Deux Mondes.* October 1, 1955.

Braun, E. J. The Netherlands Internal Revenue Code. *Taxes,* October, 1955.

Drago, R. L'État d'Urgence et les Libertés Publiques. *Revue du Droit Public et de la Science Politique.* July–September, 1955.

Gascón Hernández, J. Problemas Actuales del Decreto-Ley. *Revista de Administración Pública.* September–December, 1954.

Girardet, R. Note sur l'Esprit d'un Fascisme Français, 1934–39. *Revue Française de Science Politique.* July–September, 1955.

Goguel, F. La Révision Constitutionnelle de 1954. *Revue Française de Science Politique.* July–September, 1955.

Gorrissen, E. M. Italien. *Aussenpolitik.* October, 1955.

Higher Education in Denmark. Copenhagen, Danish Ministry of Education, 1954.

Hours, J. Les Catholiques Français et la Patrie. *Année Politique et Économique.* January–March, 1955.

Imboden, M. Die Staatsrechtliche Problematik des Schweizerischen Föderalismus. *Zeitschrift für Schweizerisches Recht.* Nos. 4/5, 1955.

Ireland: Church and State. *Round Table.* September, 1955.

Marcus, F. Ausführungsgesetze zur Dänischen Verfassung. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* April, 1955.

Micaud, C. A. The Bases of Communist Strength in France. *Western Political Quarterly.* September, 1955.

Pedrazzini, M. La Regione nella Nuova Costituzione Italiana ed il Problema delle Nostre Minoranze Linguistiche. *Zeitschrift für Schweizerisches Recht.* Nos. 4/5, 1955.

Progress in the Task of Rural Development. *Italian Affairs.* September, 1955.

Rodó, L. L. Die Gemeindeverwaltung in Spanien. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* September, 1954.

Ryckmans, P. Belgian "Colonialism." *Foreign Affairs.* October, 1955.

Seigel, J. S. On the Sources of Political Divisions in France. *Social Research.* Autumn, 1955.

Sethur, F. Trade Unionism and Central Planning in Western Europe. *Southern Economic Journal.* October, 1955.

Sweden. A Symposium. *Economist.* October 29, 1955.

Thorelli, S. S. Political Science in Sweden. Stockholm, Swedish Institute, 1955.

Tupini, V. Sulla Riforma della Burocracia. *Civiltà Italica.* December, 1954.

Central Europe

Bank, B. Die Stellung und Aufgabe der Rechnungshöfe im Neuen Deutschen Staatswesen. *Zeitschrift für die Gesamte Staatswissenschaft.* No. 3, 1955.

———. Über Umfang und Grenzen der Finanzkontrolle der Rechnungshöfe. *Archiv des Öffentlichen Rechts.* October, 1955.

Baudissin, W. The New German Army. *Foreign Affairs.* October, 1955.

Bonn, M. J. Whither Sovereign Germany? *Contemporary Review.* June, 1955.

L'Église Évangélique et les Problèmes Politiques et Sociaux. *Chroniques Étrangères, Allemagne.* April 20, 1955.

Fennel, D. La Nouvelle Bourgeoisie Allemande. *Documents, Revue Mensuelle des Questions Allemandes.* May, 1955.

Geib, E. Die Ausbildung des Nachwuchses für den Höheren Verwaltungsdienst. *Archiv des Öffentlichen Rechts.* October, 1955.

Giese, F. Parteien als Staatsorgane. *Archiv des Öffentlichen Rechts.* October, 1955.

Grosser, A. L'Allemagne Occidentale: État des Travaux. *Revue Française de Science Politique.* July–September, 1955.

Hoegner, W. Die Grundlagen der Bayerischen Verfassung. *Politische Studien.* October, 1955.

Holborn, H. Achievements and Prospects of German Democracy. *Political Science Quarterly.* September, 1955.

Löffler, M. Das Geltende Deutsche Presserecht. *Öffentliche Verwaltung.* April, 1955.

Loewenstein, K. La Constitutionnalité des Traités Instituant la Communauté Européenne de Défense aux Termes de la Constitution de Bonn. *Revue du Droit Public et de la Science Politique.* July–September, 1955.

Merk, W. Sind wirklich sämtliche Deutsche Beamtenverhältnisse am 8. Mai 1945 erloschen? *Zeitschrift für die Gesamte Staatswissenschaft.* No. 1, 1955.

Morizet, J. Le Régime Parlementaire d'Allemagne Occidentale après Six Ans d'Application. *Revue Française de Science Politique.* July–September, 1955.

Mosler, H. Kulturabkommen des Bundesstaates. Zur Frage der Beschränkung der Bundesgewalt in Auswärtigen Angelegenheiten. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* January, 1955.

Seidel, H. Die Funktion der Opposition im Parlamentarischen System. *Politische Studien.* October, 1955.

Vocke, W. Sulla Politica Monetaria e Creditizia della Germania Occidentale. *Bancaria.* April, 1955.

Weber, W. Developments in Western German Agriculture. *World Crops.* September, 1955.

Zencke, H. H. La Réforme Fiscale. *Documents, Revue Mensuelle des Questions Allemandes.* May, 1955.

Soviet Union and Eastern Europe

Achminow, H. The Changes in Soviet Policy. *Bulletin of the Institute for the Study of the History and Culture of the USSR.* July, 1955.

Alexander, E. The Armenian Church in Soviet Policy. *Russian Review.* October, 1955.

Bailey, S. D. How Russia is Ruled. *Parliamentary Affairs.* Summer, 1955.

Baron, S. H. The First Decade of Russian Marxism. *American Slavic and East European Review.* October, 1955.

Birnbaum, I. Tageszeitungen und Rundfunk in Jugoslawien. *Politische Studien.* September, 1955.

Blokhintsev, D. I. The First Atomic Power Station in the Soviet Union. *Engineering* (London). August 19, 1955.

Collard, D. State Arbitration in the U.S.S.R. —Gosarbitrage. *Modern Law Review.* September, 1955.

Dallin, D. J. After Stalin. *Yale Review.* Winter, 1956.

Das, N. Industrial Organisation in Yugoslavia. *Economic Digest.* September, 1955.

The Economy of Hungary, 1950 to 1954. *Economic Bulletin for Europe, UN.* August, 1955.

Fischer, A. J. Die Jugoslawische Wirtschaftspolitik. *Politische Studien.* September, 1955.

From the July Plenary Session of the Central Committee to the Twentieth Party Congress. *Bulletin of the Institute for the Study of the History and Culture of the USSR.* September, 1955.

Garthoff, R. L. What's behind Soviet Disarmament? *Army Combat Forces Journal,* October, 1955.

Green, M. M. The Secret of Kremlin Warfare. *Military Review.* June, 1955.

Guins, G. C. Towards an Understanding of Soviet Law. *Soviet Studies.* July, 1955.

———. Labor Grievances in the Soviet Union. *Bulletin of the Institute for the Study of the USSR.* October, 1955.

———. Das Sowjetsystem als Neuer Typ einer Rechtsordnung. *Osteuropa-Recht.* No. 2, 1955.

Hazard, J. N. Understanding Soviet Law without the Cases. *Soviet Studies.* October, 1955.

Henderson, B. A. Communist Indoctrination Methods. *Military Review.* November, 1955.

Hoffmann, W. Die Jugoslawische Staatsverfassung. *Politische Studien.* September, 1955.

Hungary. *Atlantic Monthly.* October, 1955.

Johnson, E. L. Aspects of the Soviet Legal System. *Soviet Studies.* April, 1955.

Justice Enslaved. Hague, International Commission of Jurists, 1955.

Klocke, H. Die politische Ökonomie als Element der Willensbildung in der Sowjetunion. *Zeitschrift für Geopolitik.* October, 1955.

Kolarz, W. J. Government and People in the Soviet Union Today. *International Affairs.* October, 1955.

Mikulak, M. Soviet Cosmology and Communist Ideology. *Scientific Monthly.* October, 1955.

Möbus, G. Die Familie in der Sowjetpädagogik. *Stimmen der Zeit.* October, 1955.

Party Political Training in the Soviet Union. *Bulletin of the Institute for the Study of the History and Culture of the USSR.* August, 1955.

Poland—Ten Years of Communist Rule. *British Survey.* October, 1955.

Pozdnyakov, V. Atomic Defense in the Soviet Army. *Bulletin of the Institute for the Study of the History and Culture of the USSR.* August, 1955.

Radovanovic, L. Die Jugoslawische Politik der Koexistenz. *Aussenpolitik.* August, 1955.

Rosenthal, C. S. The Functions of the Polish Trade Unions. *British Journal of Sociology.* September, 1955.

Schlesinger, R. Soviet Lawyers on the Problems of their Legal System (I.) *Soviet Studies.* October, 1955.

Schultz, L. Die Entwicklung der Rechtswissenschaft in der UdSSR seit Stalin's Tod. *Osteuropa-Recht.* No. 2, 1955.

Skilling, G. The Soviet Impact on the Czechoslovak Legal Revolution. *Soviet Studies.* April, 1955.

———. Czechoslovakia: Government in Communist Hands. *Journal of Politics.* August 1955.

———. The Formation of a Communist Party in Czechoslovakia. *American Slavic and East European Review.* October, 1955.

Skorodumov, V. The Structure of Soviet School Administration. Munich, Institute for the Study of the History and Culture of the USSR, 1955.

Staar, R. R. The Secretariat of the United Polish Workers' Party (PZPR). *Journal of Central European Affairs*. October, 1955.

Strobel, G. W. Die Verstädterung der Sowjetunion. *Osteuropa*. October, 1955.

Ulam, A. B. The Historical Role of Marxism and the Soviet System. *World Politics*. October, 1955.

U. S. Department of State. Office of Intelligence Research. Contemporary Soviet Trends in Religion. Washington, 1955.

Valters, N. Das Vergehende und das Bleibende im Sowjetrecht. *Stimmen der Zeit*. September, 1955.

Von Kaull, E. Die Festung in den Bergen—Jugoslawien's Armee und ihre Bedeutung. *Politische Studien*. September, 1955.

Vvedensky, G. A. Soviet Industry on the Eve of the Sixth Five-Year Plan. *Bulletin of the Institute for the Study of the History and Culture of the USSR*. September, 1955.

Zellweger, E. Jugoslawien zwischen Totalitarismus und Rechtsstaat. *Osteuropa-Recht*. No. 2, 1955.

Middle East and Africa

Al-habib, M. The Iraqui Development Board. *Southwestern Social Science Quarterly*. September, 1955.

Badeau, J. S. A Role in Search of a Hero: a Brief Study of the Egyptian Revolution. *Middle East Journal*. Autumn, 1955.

Bentwich, N. Turkey after Thirty Years of Revolution. *Quarterly Review*. July, 1955.

Cardaire, M. L'Islam et la Cellule Sociale Africaine. *Afrique et Asie*. 1st trim., 1955.

Comhaire, J. Das Wachstum der Afrikanischen Städte. *Zeitschrift für Geopolitik*. November, 1955.

Dejardin, A. Turquie 1955. *Revue Nouvelle*. May 15, 1955.

Didier, H. Problèmes de l'Afrique Noire. *Revue des Deux Mondes*. August 1, 1955.

Efimenco, N. M. An Experiment with Civilian Dictatorship in Iran. *Journal of Politics*. August, 1955.

Ghosh, K. P. Afghanistan in World Affairs. *Contemporary Review*. May 1955.

Haarer, A. E. Problems of Equatorial Africa. *Contemporary Review*. June, 1955.

Hamidullah, M. Sources of Islamic Law. A New Approach. *Islamic Quarterly*. December, 1954.

Hanson, A. H. Turkey Today. *Political Quarterly*. October–December, 1955.

Harlow, V. Tribalism in Africa. *Journal of African Administration*. January, 1955.

Hussey, E. R. J. Eritrea Self-Governing. *African Affairs*. October, 1954.

Karabenick, E. Growth and Development of Nationalism in Tunisia. *World Affairs Interpreter*. Summer, 1955.

Key, K. K. The Origins of Turkish Political Parties. *World Affairs Interpreter*. April, 1955.

Maksoud, C. The Future of Arab Politics. *Listener*. September 1, 1955.

Messing, S. D. Changing Ethiopia. *Middle East Journal*. Autumn, 1955.

Pedler, F. J. Foreign Investment in West Africa. *International Affairs*. October, 1955.

Perlmann, M. The Middle East in the Summer of 1955. *Middle Eastern Affairs*. August–September, 1955.

La République de Libéria. *Notes et Études Documentaires*. July 9, 1955.

Rosetti, M. Israel's Parliament. *Parliamentary Affairs*. Autumn, 1955.

Samuel, E. State and Religion in Israel. *Political Quarterly*. October–December, 1955.

Sfeir, G. N. Islam as the State Religion: a Secularist Point of View in Syria. *Muslim World*. July, 1955.

Smith, J. A. C. Human Rights in Eritrea. *Modern Law Review*. September, 1955.

U. S. Bureau of Foreign Commerce. Labor Law of Turkey. Washington, GPO, 1955.

Southeast Asia

Aberdam, S. L'Indonésie, Candidat "Satellite." *Revue de Défense Nationale*. June, 1955.

Chakrabongse, Ch. The Political and Economic Background in Thailand. *Royal Central Asian Journal*. April, 1955.

Coughlin, R. J. The Chinese in Bangkok. *American Sociological Review*. June, 1955.

Das Ende des Kolonialismus und der Aufstieg neuer Nationen in Südostasien. Symposium. *Europa Archiv*. August 5, 1955.

Erdmann, K. Südasien als Wirtschaftsmacht. *Zeitschrift fur Geopolitik*. October, 1955.

Fall, B. B. The Political-Religious Sects of Viet-Nam. *Pacific Affairs*. September, 1955.

Great Britain. Reference Division. Central Office of Information. Cambodia, Laos, and Viet Nam. London, 1955.

Marshal Pibul Hastens Slowly. *Economist*. October 22, 1955.

Michigan, University. Vietnam Team in

Public Administration. First Report. Ann Arbor, 1955.

Nepal. *Current Notes on International Affairs.* December, 1954.

The Rice Situation in South East Asia. *Current Notes on International Affairs.* February, 1955.

Ross, I. C. Prerequisites for the Establishment of Democratic Institutions in South-East Asia. Melbourne, Australian Institute of International Affairs, 1954.

Srinivasamurthy, A. K. Constitutional Problems of the Colombo Powers. *Indian Yearbook of International Affairs,* 1954.

Pacific and Far East

Baerwald, H. H. Japanese Politics since the General Elections. *Far Eastern Survey.* September, 1955.

Bibliography of the Studies on Law and Politics. Tokyo, Ministry of Education, 1955.

Bonnichon, A. La Persecuzione in Cina e l'Enciclica "Ad Sinarum Gentem." *Civiltà Cattolica.* June, 1955.

Borton, H. Past Limitations and the Future of Democracy in Japan. *Political Science Quarterly.* September, 1955.

Bronfenbrenner, M. Prospects of Japanese Democracy. Toronto, Canadian Institute of International Affairs, 1955.

Coloso, V. The Role of Government Corporations in Economic Development. *Economic Research Journal.* September, 1955.

Colton, A. K. The Working of the Japanese Diet. *Pacific Affairs.* December, 1955.

La Conférence Nationale du Parti Communiste Chinois. *Notes et Études Documentaires.* May 24, 1955.

E-Tuzen, S. The Pattern of Railway Development in China. *Far Eastern Quarterly.* February, 1955.

Froomkin, J. Developments in Public Finance in Communist China, 1950–1954. *Public Finance.* No. 1, 1955.

Hsia, Tao-Tai. The Constitution of Red China. *American Journal of Comparative Law.* Summer, 1955.

Hunt, C. L. Moslem and Christian in the Philippines. *Pacific Affairs.* December, 1955.

Ikematsu, F. The 27th General Election and the Second Hatoyama Cabinet. *Contemporary Japan.* Nos. 7–9, 1955.

Kase, T. Japan's New Role in East Asia. *Foreign Affairs.* October, 1955.

Katzenbach, E. L. The Revolutionary Strategy of Mao Tse-Tung. *Political Science Quarterly.* September, 1955.

Kohler, W. Protestantism in Japan. *Swiss Review of World Affairs.* October, 1955.

Kuo-Chun, Chao. How Communist Power is Organized in China. *Foreign Affairs.* October, 1955.

Lacy, C. The Missionary Exodus from China. *Pacific Affairs.* December, 1955.

La Mongolie Extérieure depuis 1945. *Articles et Documents.* May 31, 1955.

La Région Autonome de Mongolie Intérieure. *Articles et Documents.* May 31, 1955.

Scaff, A. H. Democracy vs. Communism in the Philippines. *Problems of Communism.* September–October, 1955.

Schultz, L. Die Neue Verfassung der Volksrepublik China. *Osteuropa-Recht.* No. 1, 1955.

Schwartz, B. On the "Originality" of Mao-Tse-Tung. *Foreign Affairs.* October, 1955.

Some Basic Conceptions and Rules of Conduct of Chinese Communism. Lackland Air Force Base, Air Force Personnel and Training Center, Research Memo No. 34, 1955.

Stene, O. Public Administration in the Philippines. Manila, University of the Philippines, Institute of Public Administration, 1955.

Whiting, A. S. Communist China and "Big Brother." *Far Eastern Survey.* October, 1955.

Wright, M. C. From Revolution to Reformation: The Transformation of Kuomintang Ideology. *Far Eastern Quarterly.* August, 1955.

Latin America

Alexander, R. J. Brazil's CP: a Case Study in Latin America Communism. *Problems of Communism.* September–October, 1955.

Anderson, S. A. Organization and Administration of Public Education in Peru. *School and Society.* October 29, 1955.

Argentine Republic. Objectives of the Second Five Year Plan: Foreign Investments in Argentina. Buenos Aires, International Service Argentine Publications, 1955.

Baratz, M. S. The Crisis in Brazil. *Social Research.* Autumn, 1955.

Crawford, H. P. The Central Banking System of Colombia. *University of Cincinnati Law Review.* Summer, 1955.

Olea, P. La Escuela Superior de Administración Pública de América Central. *Revista de Administración Pública.* May–August, 1955.

Patch, R. Two Years of Agrarian Reform in Bolivia. New York, Institute of Current World Affairs, 1955.

Winizky, I. A. Survey of Constitutional Developments in Argentina and Uruguay. *Southwest Law Journal.* Fall, 1954.

INTERNATIONAL LAW AND RELATIONS

International Conflict and Collective Security: The Principle of Concern in International Organization. BY WILLARD N. HOGAN. (Lexington, Kentucky: University of Kentucky Press. 1955. Pp. vii, 202. $3.50.)

"Collective security" is a wonderfully intriguing issue to write about these days because there is so much disagreement about it—except for the general consensus that there is precious little of it in existence. Hans Morgenthau writes in the second edition of his *Politics Among Nations,* " . . . collective security cannot be made to work in the contemporary world . . . " (p. 392); while his colleague, Quincy Wright, insists in his *Problems of Stability and Progress in International Relations,* "I believe that collective security can work . . . " (p. 111). Into this lively contest now marches one more book on the subject by Professor Willard N. Hogan.

Since one of the basic difficulties in wrestling with the concept of collective security is to get some agreement on what we are wrestling with, one appreciates the author's dispatch in addressing himself in the first chapter to the clarification of terms. Unfortunately, he still leaves matters a bit clouded by defining collective security via the less familiar expression, "principle of concern" ("a recognition that conflict among the members of a group affects the entire group and that a unilateral resort to violence against any member constitutes an offense against all members"). Not until the last ten pages of the book does he present a more comprehensive definition, but there he gives scant attention to the "principle of concern." Even that definition, however, devotes more attention to a denial of Morgenthau's assumptions than to the development of a positive and full-blown set of criteria of his own comparable to those suggested by Wright in his discussion of the problem in the work quoted above. Upon such criteria, of course, rests the outcome of the entire argument.

Hogan's principal contribution is a careful and thorough review of the evolution of the collective security concept during the League of Nations era to which he devotes 160 of his total 188 pages. The general pattern of this story is suggested by the chapter headings: "Acceptance: The League of Nations," "Limitation," "Modified Application," and "Disintegration." This is a very useful piece of analysis since observers of the international scene so frequently forget that the United Nations is little more than an extension of the League, that one cannot understand the son without knowing the father, and that whatever the League was able to accomplish required greater boldness and imagination than is necessary now with the trail pretty well blazed.

It is regrettable, however, especially at this time when the United Nations Charter is being scrutinized so carefully, that Hogan did not find it possible to allot more than one of his six chapters to the United Nations experience, which by this time has covered half the lifespan of the League. In that brief space he could only sketch the barest profile of the development of the last ten years. He does, nonetheless, point very effectively to the plain fact that, while there is still no airtight collective security system in existence, we have witnessed actions that have provided considerable support for the collective security goals of both the United Nations and complementary arrangements. Furthermore, in a world of imperfect choices, this study indicates that even very halting collective steps may prove more advantageous than any other alternative available.—H. FIELD HAVILAND, JR., *Haverford College.*

Survey of International Affairs, 1939–1946: The Far East, 1942–1946. BY F. C. JONES, HUGH BORTON, AND B. R. PEARN. (London, New York, and Toronto: Oxford University Press. 1955. Pp. xiv, 589. $14.00.)

Survey of International Affairs, 1939–1946: The Realignment of Europe. EDITED BY ARNOLD TOYNBEE AND VERONICA M. TOYNBEE. (London, New York, Toronto: Oxford University Press. 1955. Pp. xvi, 619.)

Two additional volumes in the Royal Institute's massive survey of the war years; five other volumes have already appeared and others are in preparation. In the Far East volume Dr. Jones contributes detailed summaries of general developments in the Far East during the war and of events leading to the resumption of the Chinese civil war late in 1946; Mr. Pearn provides a concise summary of the first 16 months of peace in Southeast Asia; and Professor Borton deals with Japan—occupation policies, internal problems, and domestic politics—and with the unhappy fate of divided and occupied Korea.

The second volume, edited by the Toynbees, is an encyclopedic survey of the first 18 months of peace in Europe. Twelve different authors have contributed to this survey, which includes an analysis of Europe's economic difficulties and the first efforts at economic rehabilitation, and then proceeds to a country-by-country examination of problems which at the time seemed without end and nearly insoluble.

1954 Annual Review of United Nations Affairs. Edited by Clyde Eagelton, Waldo Chamberlin, and Richard N. Swift. (New York: New York University Press. 1955. Pp. xi, 253. $4.50.)

This 1954 annual review marks a departure from the five previous volumes in this series. The authors and other contributors present an analysis and evaluation of what has taken place during the United Nations' year, under six main headings: "International Peace and Security," "Economic Matters," "Social and Humanitarian Matters," "Trusteeship and Non-Self-Governing Territories," "Law and Courts," and "Administrative Matters." Chapter VII presents a special study by Professor Chamberlin on "The Public Relations of the United Nations."

Foreign Affairs Bibliography: A Selected and Annotated List of Books on International Relations, 1942–1952. By Roberts L. Henry Assisted by Jean Gunther and Janis A. Kreslins. (New York: Harper & Brothers. 1955. Pp. xxii, 727. $10.00.)

An extremely useful compilation of the titles of over 9,000 books in 34 languages published during the decade; the volume was prepared by the Council on Foreign Relations and its entries are drawn in large part from the valuable quarterly bibliographies appearing in *Foreign Affairs*, although several thousand new titles have been added. The volume is divided into three major sections—general international relations, the world since 1914, and the world by regions. Each section is in turn broken down into more specific categories. There are also author and title indexes.

The United States in World Affairs, 1953. By Richard P. Stebbins with the Assistance of Grant S. McClellan. (New York: Harper & Bros. 1955. Pp. xiv. 512).

As well-written and as comprehensive as in the past, the Council on Foreign Relation's annual summary covers the first year of the new Republican Administration, a year marked by the Berlin uprising and the shifts in Soviet leadership, protracted debate over the proposed E.D.C., the Korean armistice, the growing realization of the destructive nature of hydrogen weapons, deterioration in Indochina, and a thousand other events and developments whose unwinding will keep Mr. Stebbins and his collaborators at work indefinitely.

Foreign Relations of the United States: Diplomatic Papers, 1940. Volume IV, The Far East. (Washington, D. C.: Government Printing Office. 1955. Pp. iv, 1022.)

A volume concerned almost entirely with Japan: the threat of that nation's southward expansion, the war against China, internal political developments, and U.S.-Japanese negotiations.

Documents on American Foreign Relations, 1954. Edited by Peter V. Curl. (New York: Harper & Brothers. 1955. Pp. xxii, 506. $5.00.)

The sixteenth appearance of this annual collection of important communiques, policy statements, and diplomatic exchanges; the range of material once again demonstrates the complexity and the all-inclusiveness of U.S. foreign policy.

Nationalism: Its Meaning and History. By Hans Kohn, (Princeton, N. J., New York, Toronto, and London: D. Van Nostrand Company, Inc., 1955. Pp. 192. $1.25.)

A brief re-statement by a man whose qualifications for the task are widely known, supplemented by 23 readings ranging from Machiavelli to Nehru and Sun Yat-Sen, and including Herder, Hegel, Mazzini, Napoleon, Danilevsky, Mussolini, and others.

An Introduction to American Foreign Policy. By Edgar S. Furniss, Jr. and Richard C. Snyder. (New York: Rinehart & Company, Inc. 1955, Pp. xii, 252. $3.00.)

An attempt to explain the essentials of foreign policy analysis, to review U.S. foreign relations from 1789 to 1939, and to examine the new problems of foreign policy for this nation in light of postwar conditions, the traditions and expectations of American society, and the restraints imposed upon policy making by the nature of the political system.

An Introduction to the Law of Nations. BY OSCAR SVARLIEN. (New York, Toronto, and London: McGraw-Hill Book Company, Inc. 1955. Pp. xv, 478. $5.00.)

This is a welcome addition to the textbooks on international law and will be especially useful for one-semester courses. It covers the most essential topics without including too many details. While it makes good use of judicial cases and diplomatic practices, it also gives a considerable amount of historical and philosophical backbround.

The International City of Tangier. BY GRAHAM H. STUART. (Stanford, Cal.: Stanford University Press. 2nd. ed. 1955. Pp. xv, 270. $6.00.)

Brings up to date Professor Stuart's study, first published in 1931, of a unique experiment in international control of a strategically located city, and of the problems of governing in such a city.

North African Powder Keg. BY EDMUND STEVENS. (New York: Coward-McCann, Inc. 1955. Pp. 273. $3.75.)

Timely, journalistic, full of facts and local color. The author of this survey of Morocco, Algeria, Tunisia, and Libya is the Rome correspondent for the *Christian Science Monitor.*

The Passing of American Neutrality, 1937–1941. BY DONALD F. DRUMMOND. (Ann Arbor: The University of Michigan Press; London: Oxford University Press. 1955. Pp. vi, 409. $7.50.)

The evolution of American foreign policy from the neutrality act of May 1, 1937 to the Japanese attack on Pearl Harbor, with considerable attention to changes in public opinion, strategic calculations, and the personalities who helped shape the decisions of the period.

The UN Record: Ten Fateful Years for America. BY CHESLY MANLY. (Chicago: Henry Regnery Co. 1955. Pp. xi, 256. $3.95.)

A former *Chicago Tribune* correspondent at the United Nations concludes that the organization is not only a failure, but that American security and the success of American foreign policies have been and are endangered by membership in the organization.

Ten Years of United Nations Publications, 1945 to 1955: A Complete Catalogue. (New York: Department of Public Information, United Nations. 1955. Pp. 271. $0.50.)

The annual sales catalog of United Nations publications is replaced for 1955 by a ten-year cumulation, doing away with the need to consult the previous annual catalogs of the printed publications. The period covered is from the 1945 San Francisco Conference to December, 1954. The specialized agencies of the United Nations, which issue their own publications, are not included, only a list of the addresses of these agencies being given.—J.B.C.

Psychological Warfare: An Introduction to Ideological Propaganda and the Techniques of Psychological Warfare. BY BELA SZUNYOGH. (New York: The William-Frederick Press. 1955. Pp. 117. $3.00.)

A brief study of the ideological strategy, techniques, methods of and organization for propaganda transmission and of justifications for psychological warfare, by a refugee Hungarian physician.

SELECTED ARTICLES AND DOCUMENTS ON INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS

Catholic University of America

ARTICLES

International Politics and National Policies

General

Born, M. Entwicklung und Wesen des Atomzeitalters. *Merkur.* August, 1955.

Christaller, W. Subkontinente. *Zeitschrift für Geopolitik.* October, 1955.

Elliott, W. Y. Governmental Organizations for Foreign Policy Decisions. *Social Science.* October, 1955.

Emeny, B. Non-governmental Organizations in International Affairs. *Social Science.* October, 1955.

Hopkins, V. C. Nationalism Re-examined. *Thought.* Autumn, 1955.

Jacoby, H. Die Ideologische Täuschung in der Aussenpolitik. *Aussenpolitik.* June, 1955.

Krauss, W. Die Parlamentarische Kontrolle der Aussenpolitik. *Aussenpolitik.* August, 1955.

Maulnier, T. Les Diverses Hypothèses de la "Coexistence." *Preuves.* June, 1955.

Mende, D. Internationale Beziehungen als Forschungsgegenstand. *Europa Archiv.* November 20, 1955.

Menon, L. N. International Responsibility for Dependent Areas. *India Quarterly.* July-September, 1955.

Northedge, F. S. National Self-determination. *International Relations,* April, 1955.

The Relation of Advanced to Underdeveloped Countries. Symposium. *Confluence.* October, 1955.

Roberts, W. H. Colonial Issues and Policies. Washington, Catholic Association for International Peace, 1955.

Ruthnaswamy, M. Organization and the Making of Foreign Policy. *Indian Yearbook of International Affairs,* 1954.

Sonne, H. C. Crucial Issues in World Perspective. Washington, National Planning Association, 1955.

Speier, H. War and Peace. *Bulletin of the Atomic Scientists.* November, 1955.

Trelles, C. B. El Ayer, el Hoy y el Mañana Internacionales. *Revista de Estudios Políticos.* July-August, 1955.

Military and Functional Questions

Air Power and National Security. Symposium. *Annals.* May, 1955.

Aniel-Quiroga, J. M. Las Explosiones Atómicas y las Relaciones Internacionales. *Cuadernos de Política Internacional.* January-March, 1955.

Arpurt, R. J. Les Forces Aériennes devant la Ménace Atomique. *Revue de Défense Nationale.* February, 1955.

Bernard, S. Some Political and Technical Implications of Disarmanent. *World Politics.* October, 1955.

Brodie, B. Strategy Hits a Dead End. *Harper's Magazine.* October, 1955.

Cushen, W. E. War Games and Operations Research. *Philosophy of Science.* October, 1955.

Frye, W. R. Disarmament. New York, Foreign Policy Association, 1955.

Grosser, J. F. G. Weltluftfahrt—Heute und Morgen. *Zeitschrift für Geopolitik.* June, 1955.

Hahn, O. Cobalt 60. *Universitas.* March, 1955.

Halle, L. J. The Role of Force in Foreign Policy. *Social Science.* October, 1955.

Hammer, T. The Geopolitical Basis of Modern War. *Military Review.* October, 1955.

Lapp, R. E. Global Fall-Out. *Bulletin of the Atomic Scientists.* November, 1955.

Libby, W. F. Radioactive Fall-out. *Bulletin of the Atomic Scientists.* September, 1955.

Moch, J. Les Problèmes Actuels du Désarmament. *Politique Étrangère.* April-May, 1955.

Montgomery, B. L. Tradition versus Progress. *Air Force.* November, 1955.

Nordheim, L. W. Tests of Nuclear Weapons. *Bulletin of the Atomic Scientists.* September, 1955.

The Peaceful Uses of Atomic Energy. *Current Notes on International Affairs.* February, 1955.

Philips-Price, M. Disarmament Prospects. *Contemporary Review.* August, 1955.

Weyl, H. R., The World's Guided Weapons. *Military Review.* December, 1955.

Wolfers, A. Could War in Europe be Limited? *Yale Review.* Winter, 1956.

International Conferences

Appadorai, A. The Bandung Conference. *India Quarterly.* July-September, 1955.

La Conférence des États Européens pour la Sauvegarde de la Paix et de la Sécurité en Europe, Varsovie 11-14 Mai 1955. *Temps Nouveaux.* May 21, 1955.

Discussions on German Reunification and Disarmament at Geneva Foreign Ministers Conference. *Department of State Bulletin.* November 21, 1955.

Escalera, C. M. La Conferencia de Bangkok, el Neutralismo Asiático y los Países Amparados. *Cuadernos de Política Internacional.* January-March, 1955.

Gasteyger, C. Asien und Afrika in der Weltpolitik. *Europa Archiv.* October 20, 1955.

Jack, H. A. The Asian-African Conference. *Bulletin of the Atomic Scientists.* June, 1955.

Kaug, W. Bandung und die Koexistenz. *Deutsche Rundschau.* June, 1955.

Peaceful Use of Atomic Energy: the Geneva Conference in Retrospect. *United Nations Review.* October, 1955.

U.N. Conference on Atomic Energy. Symposium. *Bulletin of the Atomic Scientists.* October, 1955.

Warburg, J. P. The German Dilemma: Agenda for the Conference of Foreign Ministers. *Western Political Quarterly.* September, 1955.

Wirsing, G. Die Konferenz von Bandung. *Osteuropa.* October, 1955.

United States

The American and the World. Public Opinion in U.S. Foreign Policy. *Round Table,* March, 1955.

Argentinicus. Die Aussenpolitik der USA. *Zeitschrift für Geopolitik.* June, 1955.

Baxter, R. R. The Geneva Convention of 1949 before the United States Senate. *American Journal of International Law.* October, 1955.

Brandon, O. H. Amerika sucht eine Chinapolitik. *Aussenpolitik.* June, 1955.

Chandler, G. American Opinion and Foreign Policy. *International Affairs.* October, 1955.

Clift, V. A. American Aid to Education in Foreign Lands: Some Observations. *Journal of Educational Sociology.* October, 1955.

Ferguson, C. M. Military Forces and National Objectives. *Military Review.* October, 1955.

Graebner, N. A. Consequences of the China Debate. *World Affairs Quarterly.* October, 1955.

Kennan, G. F. Diplomaten als das Spiegelbild der Demokratischen Gesellschaft? Gedanken zur Zukunft des Amerikanischen Auswaertigen Dienstes. *Aussenpolitik.* November, 1955.

Lindbeck, J. M. H. Communist China and American Far Eastern Policy. *Department of State Bulletin.* November 7, 1955.

Marx, W. J. The Consular Service of the United States. *Department of State Bulletin.* September 19, 1955.

Morton, T. B. Congress and Foreign Affairs. *Social Science.* October, 1955.

Mosely, P. E. Hopes and Failures: American Policy toward East Central Europe. *Review of Politics.* October, 1955.

Murphy, R. The Principle of Self-determination in International Relations. *Department of State Bulletin.* November 28, 1955.

The Outlook after the Two Geneva Conferences. Washington, National Planning Association, 1955.

Shuck, L. E., Jr. Our Asian Policy: Time for Reappraisal. *Pacific Spectator.* Autumn, 1955.

Trelles, C. B. La Política Internacional Norte Americana, según la Versión de George F. Kennan. *Cuadernos de Política Internacional.* April–June, 1955.

Varg, P. Alternatives in the Far East. *World Affairs Quarterly.* October, 1955.

Von Globig, F. Wie Politik gemacht wird. Der Führungsstab im Weissen Haus und die Ratgeber des Präsidenten. *Aussenpolitik.* June, 1955.

Wagstaff, J. J. Your Place in Politico-Military Policy. *Military Review.* November, 1955.

Young, K. T. The United States and Southeast Asia. *Department of State Bulletin.* November 21, 1955.

Canada

Barber, C. L. Canadian Tariff Policy. *Canadian Journal of Economics and Political Science.* November, 1955.

Canada and the United Nations. *External Affairs.* October, 1955.

Körner, R. Kanadische Aussenpolitik. *Vierteljahrshefte für Zeitgeschichte.* October, 1955.

United Kingdom

DeWeerd, H. A. Britain's Changing Military Policy. *Foreign Affairs.* October, 1955.

Durant, H. Public Opinion, Polls and Foreign Policy. *British Journal of Sociology.* June, 1955.

Hovey, A., Jr. Britain and the Unification of Europe. *International Organization.* August, 1955.

Wagner, W. Eden und die Oder-Neisse Linie. *Aussenpolitik.* November, 1955.

Younger, K. Public Opinion and Foreign Policy. *British Journal of Sociology.* June, 1955.

Western Europe

Benckiser, N. Der Quai d'Orsay und Seine Tradition. *Aussenpolitik.* July, 1955.

Dubarle, D. La France et les Armaments Nucléaires. *Vie Intellectuelle.* June, 1955.

Laure, R. L'Afrique et la Défense Nationale. *Revue de Défense Nationale.* June, 1955.

Lindemann, H. Schwedische Baumeister der Bündnislosigkeit. *Aussenpolitik.* July, 1955.

Martino, G. Orientamenti e Sviluppi della Politica Estera Italiana. *Rassegna Italiana di Politica di Cultura.* March, 1955.

———. L'Organizzazione Internazionale e l'Italia. *La Communità Internazionale.* April, 1955.

Central Europe

Birnbaum, I. German Eastern Policy. *International Affairs.* October, 1955.

Brecht, A. Gangbare und Ungangbare Wege. Zur Frage der Wiedervereinigung. *Aussenpolitik.* November, 1955.

Défense Nationale Allemande. *Articles et Documents*. May 21, 1955.

Dehio, L. Um den deutschen Militarismus. *Historische Zeitschrift*. August, 1955.

Frisch, A. Zwischenbilanz der Deutsch-Französischen Beziehungen. *Deutsche Rundschau*. August, 1955.

Goussot, C. M. Une Autriche Neutre est-elle Possible? *Revue de Défense Nationale*. July, 1955.

Heissenberg, W. Die Atomforschung in Deutschland. *Deutsche Universitätszeitung*. April 18, 1955.

Kreisky, B. Österreich im Zeichen der Koexistenz. *Zeitschrift für Geopolitik*. November, 1955.

Maier, H. Die Ablösung des Besetzungsstatuts in der Bundesrepublik Deutschland. *Europa Archiv*. August 20, 1955.

Scheuner, U. Voraussetzungen und Verfahren der Wiedervereinigung Deutschlands. *Europa Archiv*. August 20, 1955.

Wolff, G. Die sittliche Legitimation der deutschen Aussenpolitik. *Aussenpolitik*. October, 1955.

Soviet Union and Eastern Europe

Daniel, W. Die Ostsee als Magnet. *Deutsche Rundschau*. June, 1955.

The Development of Soviet Military Doctrine. *British Survey*. November, 1955.

Lowenthal, R. New Phase in Moscow-Belgrade Relations. *Problems of Communism*. November–December, 1955.

Martens, M. Soviet Expansion in the Antarctic. *Bulletin of the Institute for the Study of the History and Culture of the USSR*. September, 1955.

Mehnert, K. Sowjetunion: Aussenpolitik. *Osteuropa*. October, 1955.

Potts, R. D., Jr. The Foundations of Soviet Air Power. *Annals*. May, 1955.

Rubinstein, A. Z. Soviet Plans for the South Pole. *Economist*. October 20, 1955.

Middle East and Africa

L'Accord Anglo-Égyptien sur la Zone de Suez du 27 Juillet 1954. *Chronique de Politique Étrangère*. May, 1955.

Barnea, J. Natural Resources in the Middle East. *Middle Eastern Affairs*. October, 1955.

Benumeya, R. G. Actualidad del Irak, como Centro Político del Próximo Oriente, en 1955. *Cuadernos de Política Internacional*. April–June, 1955.

Jooste, G. P. South Africa's Position in the West. *African Affairs*. April, 1955.

Kaster, H. L. Die Paktsysteme im Mittleren Osten. *Aussenpolitik*. May 1, 1955.

Krug, W. G. Afrikas Verkehrsprobleme. *Zeitschrift für Geopolitik*. June, 1955.

McDaniel, B. W. American Technical Assistance and Economic Aid in Israel. *Middle Eastern Affairs*. October, 1955.

McGhee, G. C. Die Türkei in der Westlichen Welt. *Aussenpolitik*. June 1955.

Middle Eastern Defense. *Round Table*. March, 1955.

Steubel, H. The Strategic Significance of South and Central Africa. *Military Review*. November, 1955.

South and Southeast Asia

Alonso, N. M. Final del Colonialismo en Asía. *Cuadernos de Política Internacional*. April–June, 1955.

Bajpai, G. S. Nepal and Indo-Nepalese Relations. *Indian Yearbook of International Affairs*, 1954.

Green, M. Kashmir: Valley of Indecision. *United States Naval Institute Proceedings*. December, 1955.

Karunakaran, K. P. Die Stellung Indiens in der Weltpolitik. *Europa Archiv*. August 5, 1955.

Mehnert, K. Asien zwischen Weiss und Rot. *Osteuropa*. October, 1955.

Mukerji, A. B. Kashmir—A Study in Political Geography. *Geographical Review of India*. March, 1955.

Thomas, M. L. The Sources of Indonesian Foreign Policy. *South Atlantic Quarterly*. October, 1955.

Far East and Pacific

L'Émigration Chinoise dans le Sud-Est Asiatique, son Importance Politique et Économique. *Notes et Études Documentaires*. June 21/23, 1955.

L. M. The Problem of Korea. *Indian Yearbook of International Affairs*, 1954.

Lindsay, M. Chinese Foreign Policy. *International Journal*. Spring, 1955.

Solich, E. J. China und Südostasien. *Zeitschrift für Geopolitik*. November, 1955.

The Soviet-Japanese Negotiations in London. *Japan Quarterly*. October–December, 1955.

International Economic Policy and Relations

Bräker, H. Die Wirtschaftsbeziehungen der Sowjetunion zu Süd- und Südostasien. *Osteuropa*. October, 1955.

Current Economic Developments in Europe. *Economic Bulletin for Europe, UN.* August, 1955.

DeLany, W. S. East-West Trade Controls. *Department of State Bulletin.* December 5, 1955.

de Looper, J. H. C. Current Usage of Payments Agreements and Trade Agreements. *International Monetary Fund Staff Papers.* August, 1955.

Gross, H. Weltwirtschaft in Neuer Konzeption. *Aussenpolitik.* June, 1955.

Kostner, N. Gedanken über Konvertabilität. *Aussenwirtschaft.* March, 1955.

McClellan, H. C. Foreign Trade and International Understanding. *Foreign Commerce Weekly.* November 28, 1955.

Michaelis, A. American Investments in Asia. *India Quarterly.* July–September, 1955.

Mosher, A. T. Technical Cooperation in Latin America: The Agricultural Program of ACAR in Brazil. Washington, National Planning Association, 1955.

Peretz, D. Development of the Jordan Valley Waters. *Middle East Journal.* Autumn, 1955.

Pfuhl, E. Die Wirtschaftsabkommen des Ostpakt-Systems. *Osteuropa-Recht.* No. 2, 1955.

Recent Developments in Trade between Eastern and Western Europe, *Economic Bulletin for Europe UN.* August, 1955.

Schiffler, G. Die Revision des Allgemeinen Zoll- und Handelsabkommens (GATT). *Europa Archiv.* November 5, 1955.

Vernon, R. Organizing for World Trade. *International Conciliation.* November, 1955.

International Law

Bilfinger, C. Über die Änderung territorialer Grenzen als Kriegsfolge. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* April, 1955.

Brügel, J. W. Der Konflikt zwischen Menschenrecht und Souveränität. *Aussenpolitik.* October, 1955.

Dolan, E. The Member-Republics of the U.S.S.R. as Subjects of the Law of Nations. *International and Comparative Law Quarterly.* October, 1955.

Drucker, A. Compensation for Nationalized Property: British Practice. *American Journal of International Law.* October, 1955.

Eustathiades, C. T. La Convention Européenne des Droits de l'Homme et le Statut du Conseil de l'Europe (II). *Friedens-Warte.* No. 1, 1955.

Friedman, G. H. L. Enemy Status. *International and Comparative Law Quarterly.* October, 1955.

Goddard, G. The Narrowing Sea. *Indian Yearbook of International Affairs,* 1954.

Golsong, H. Die Verfahrensordnung der Europäischen Kommission für Menschenrechte. *Europa Archiv.* November 5, 1955.

Guldberg, T. International Concessions, a Problem of International Economic Law. *Acta Scandinavica Juris Gentium.* Nos. 1–2, 1955.

Hess, F. W. A Post-Korea Look at the Geneva Convention. *Military Review.* December, 1955.

International Law—Claims to Sovereignty—Antarctica. *Southern California Law Review,* July, 1955.

Kruse, H. The Islamic Doctrine of International Treaties. *Islamic Quarterly.* October, 1954.

Kulski, W. W. The Soviet Interpretation of International Law. *American Journal of International Law.* October, 1955.

Kunz, J. L. Pluralism of Legal and Value Systems in International Law. *American Journal of International Law.* July, 1955.

Kwang Lim Koh. The Continental Shelf and the International Law Commission. *Boston University Law Review.* November, 1955.

Meissner, B. Die Sowjetische Bewertung der Völkerrechtsquellen. *Osteuropa-Recht.* No. 1, 1955.

Nadelmann, K. H. American Consular Jurisdiction in Morocco and the Tangier International Jurisdiction. *American Journal of International Law.* October, 1955.

Pal, D. The Definition of Aggression. *Indian Yearbook of International Affairs* 1954.

Pfuhl, E. Rechtsformen der Aussenwirtschaftsbeziehungen der UdSSR zu den Volksdemokratien. *Osteuropa-Recht.* No. 1, 1955.

Pinto, R. Le Droit International et la Coexistence. *Journal du Droit International.* April–June, 1955.

Piotrowski, G. Les Résolutions de l'Assemblée Générale des Nations Unies et la Portée du Droit Conventionnel. *Revue de Droit International* (Sottile-Genève). July–September, 1955.

Re, E. D. The NATO Status of Forces Agreement and International Law. *Northwestern University Law Review.* July–August, 1955.

Rousseau, C. Scientific Progress and the Evolution of International Law. *Impact of Science on Society.* June, 1954.

Schlochauer, H. J. Rechtsformen der Europäischen Ordnung. *Archiv des Völkerrechts.* March, 1955.

Selak, C. B., Jr. The Suez Canal Base Agreement of 1954. *American Journal of International Law.* October, 1955.

Stein, E. The European Steel and Coal Community: the Beginning of its Judicial Process. *Columbia Law Review.* November, 1955.

Wilks, I. A Note on Sovereignty. *Philosophical Quarterly.* October, 1955.

International Organization

United Nations and Specialized Agencies

Charting a Peaceful Future for the Atom. *United Nations Review.* December, 1955.

Cohen, M. The United Nations Secretariat. *American Journal of International Law.* July, 1955.

Copland, D. The Economic and Social Council's Work in a New Perspective. *United Nations Review.* October, 1955.

Food and Agriculture Organization of the United Nations. Activities of FAO under the Expanded Technical Assistance Program 1954–55. Rome. 1955.

———. The International Effects of National Grain Policies. Rome, 1955.

Gasteyger, C. Die 19te und 20te Tagung des Wirtschafts- und Sozialrates der Vereinten Nationen. *Europa Archiv.* October 5, 1955.

Hättich, M. Die deutsche Mitarbeit in der UNESCO. *Europa Archiv.* November 20, 1955.

Harper, N. D. Revision of the United Nations Charter—An Australian View. *India Quarterly.* July–September, 1955.

Honig, F. The Independence of the International Civil Service. *Acta Scandinavica Juris Gentium.* Nos. 3–4, 1954.

Kumleben, G. Die Vereinten Nationen nach zehn Jahren. *Aussenpolitik.* June, 1955.

Logue, J. The Great Debate on Charter Reform. *Thought.* Autum, 1955.

Rao, K. K. The General Conference for the Review of the Charter of the United Nations. *Fordham Law Review.* Autumn, 1955.

Reiff, H. The Quest for International Order and Security. *Social Studies,* November, 1955.

Review of the Ninth Year of the United Nations. *Department of State Bulletin.* September 5, 1955.

Rudzinski, A. W. Majority Rule vs. Great Power Agreement in the United Nations. *International Organization.* August, 1955.

Singh, N. China and the United Nations. *Indian Yearbook of International Affairs,* 1954.

Svennevig, T. P. The Scandinavian Bloc in the United Nations. *Social Research.* Spring, 1955.

Ward, C. United Nations' Work in Africa. *African Affairs.* July, 1955.

U.N. Disarmament Commission Subcommittee: Summary of Most Recent Proposals. *Bulletin of the Atomic Scientists.* September, 1955.

Regional and Collective Security Organizations

Asmussen, G. Western Europe's Politico-Military Development. *Military Review.* December, 1955.

Carnegie Endowment for International Peace. Reference and Information Service. Arab League Bibliography. New York, 1955.

Dennison, S. R. The European Coal and Steel Community. *Lloyds Bank Review.* July, 1955.

Heiser, H. J. Die Errichtung des Ständigen Rüstungsausschusses der Westeuropäischen Union. *Europa Archiv.* September 5, 1955.

Jenks, C. W. World Organization and European Integration. *European Yearbook* (*I*), 1955.

Kowarski, L. The Making of CERN—an Experiment in Cooperation. *Bulletin of the Atomic Scientists.* December, 1955.

Merry, H. J. The European Coal and Steel Community—Operations of the High Authority. *Western Political Quarterly.* June, 1955.

Mullenbach, Ph. A European Agency for Nuclear Energy. *Looking Ahead.* November, 1955.

Mulley, F. ECSC at Work. *Cartel.* October, 1955.

New Look for NATO's Divisions. *Economist.* October 29, 1955.

Ockrent, R. Les Aspects Politiques de l'Activité de l'O.E.C.E. *Chronique de Politique Étrangère.* July, 1955.

Padelford, N. J. Political Cooperation in the North Atlantic Community. *International Organization.* August, 1955.

Pearson, L. B. After Geneva: a Greater Task for NATO. *Foreign Affairs.* October, 1955.

Pella, G. Itineraries of European Economic Integration. *Banco di Roma Review of Economic Conditions in Italy.* September, 1955.

Recent Developments in Regional Organization. Symposium. *Proceedings of the American Society of International Law.* Washington, 1955.

Slessor, J. European Security and Disarmament after Geneva. *Air Power.* Autumn, 1955.

DOCUMENTS

General and Miscellaneous

Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Rumania, U.S.S.R. Treaty of Friendship, Cooperation, and Mutual Assistance. Warsaw, May 14, 1955. *American Journal of International Law.* October, 1955.

Council of Europe. Research Directorate of the Secretariat General. The Present State of Economic Integration in Western Europe. Report. Strasbourg, 1955.

Economic Development Institute. Prospectus. Washington, 1955.

FAO. The State of Food and Agriculture, 1955. Review of a Decade and Outlook. Rome, 1955. (Doc. C/55/4.).

———. The Work of FAO, 1954–55. Report of the Director General. Rome, 1955 (Doc. C/55/8).

Germany. Agreements Relating to Germany, 1952 and 1954. *American Journal of International Law.* July, 1955.

———. Dokumente der Verhandlungen der Regierungsdelegation der Bundesrepublik Deutschland mit der Sowjetunion in Moskau vom 9. bis zum 13. September 1955. *Europa Archiv.* September 20/October 5, 1955.

———. Dokumente zu den Beziehungen der Sowjetunion und der Deutschen Demokratischen Republik. *Europa Archiv.* October 20, 1955.

International Bank for Reconstruction and Development. The Economic Development of Syria. Report of a Mission Organized by . . . at the Request of the Government of Syria. Baltimore, Johns Hopkins Press, 1955.

———. Tenth Annual Report, 1954–55. Washington, 1955.

ILO. International Labour Conference, 38th Session. Geneva, 1955.

O.E.E.C. European Monetary Agreement. Paris, 1955.

United Nations

All entries under this heading bear the imprint of the United Nations (New York), 1955, unless a different place or date is shown.

ECOSOC. ECAFE. Official Records. Eleventh Session, 28 March–7 April 1955. (Doc. E/CN.11/408; May 24, 1955).

———. ECE. Industry Division. The European Housing Developments and Policies in 1954. (Doc. E/ECE/209; August, 1955).

———. ECLA. Secretariat of the Technical Assistance Board. Countries and Territories of the Latin American Region during 1954. Report. (Doc. E/CN.12/AC.26/3; March 30, 1955).

——— ———. Seventh Annual Report of . . . (Doc. E/CN.12/AC.26/8; May 10, 1955).

——— ———. Technical Assistance Activities in the ECLA Regions as of 30 June 1955. Bogota. (Doc.E/CN.12/372/Add. 1; August 17, 1955).

Secretariat. Repertory of Practice of United Nations Organs, Vol. III. Art. 55–72 of the Charter. (Sales No.: 1955.V.2. Vol. III).

———. Draft International Covenants on Human Rights. Annotations Prepared by the Secretary-General. (Doc. A/2929; July 1, 1955).

———. Recommendations Concerning International Respect for the Right of Peoples and Nations to Self-determination. Note by the Secretary-General. (Doc. A/2951; September 8, 1955).

———. The International Conference on the Peaceful Uses of Atomic Energy. Report of the Secretary General. (Doc. A/2697; September 14, 1955).

Trusteeship Council. Draft Report of . . . to the General Assembly Covering the Period from 17 July 1954 to . . . July 1955. (Doc. T/L.600; July 15, 1955).

United States

Unless otherwise indicated, all entries under this heading bear the imprint: "Washington: Government Printing Office, 1955"; and the Congressional materials are those of the 84th Congress, 1st session.

Congress

House. Intelligence Activities. Letter from Chairman, Commission on Organization of the Executive Branch of the Government, Transmitting its Report on Intelligence Activities. H.Doc. 201; June 29, 1955.

———. Report of Activities of the National Advisory Council on International Monetary and Financial Problems. H. Doc. 194; June 22, 1955.

———. Committee on Banking and Currency. International Finance Corporation. Hearings. July 11/14, 1955.

———. Committee on Foreign Affairs. To Improve the Relations of the United States with Western Germany and Japan. Hearings before Subcommittee. July 1/11, 1955.

———, ———. Mutual Security Act of 1955. Report . . . June 24, 1955.

Senate. Committee on Agriculture and Forestry. Disposal of Agricultural Surpluses. Hearings before Subcommittee. Hearings. Pts. 1 and 2. February 25 . . . June 2, 1955.

———. Committee on Banking and Currency. International Finance Corporation. Hearings before Subcommittee. June 6/7, 1955.

———. Committee on Foreign Relations. Mutual Security Act of 1955. Report. S. Report No. 383; May 27, 1955.

——— ———. The Panama Treaty. Hearings. July 15 . . . 20, 1955.

——— ———. Subcommittee on the United Nations Charter. Human Rights, Domestic Jurisdiction, and the United Nations Charter. Staff Study No. 11.

———. Committee on the Judiciary. Treaties and Executive Agreements. Hearings before Subcommittee. April 27 . . . May 12, 1955.

——— ———. Subcommittee to Investigate the Administration of the Internal Security Act. Strategy and Tactics of World Communism: The Communist Battle Plan. Hearings. . . . Pt. 13, April 28, 1955.

Executive Departments

Department of State. The Bangkok Conference of the Manila Pact Powers, February 23–25, 1955. (Pub. No. 5909).

———. The Geneva Conference of Heads of Government, July 18–23, 1955. (Pub. No. 6046).

———. The Department of State, 1930–1955; Expanding Functions and Responsibilities. (Department and Foreign Service Series No. 44.)

———. The United States and Germany, 1945–55. (European and British Commonwealth Series No. 47.)

———. United States Policy in the Near East, South Asia and Africa, 1954. (Near and Middle Eastern Series No. 18).

POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Rebels and Democrats: The Struggle for Equal Political Rights and Majority Rule during the American Revolution. By Elisha P. Douglass. (Chapel Hill: University of North Carolina Press. 1955. Pp. xiv, 368. $5.00.)

During the past thirty years the domestic significance of the American Revolution as a social movement within the revolting colonies has been emphasized by many historians. Until recently one of the generally neglected phases of this social revolution within a political revolution, however, was the struggle within the "Whig party" between the politically unprivileged lower ranks and the leaders over the basic questions of equal political rights for all adult free males and majority rule. This cleavage appeared in most of the colonies in the late colonial period. It became more pronounced as American democratic ideas crystallized during the dispute with England, and in a few states it led to an interesting struggle over the framing and content of the first state constitutions. The principal battlegrounds were the individual states. Although the "democrats," often unorganized and leaderless, won very few important victories at this time over the politically entrenched "conservatives," the conflicts between the two groups served to identify most of the political issues that were to be debated for many decades in post-Revolutionary state constitutional conventions.

Professor Douglass' book is an interesting, readable account of this struggle. Following two introductory chapters that lay the proper groundwork, the author describes the radical-conservative conflict in South Carolina, Maryland, New York, North Carolina, Massachusetts, and Pennsylvania, and in two brief notes as appendices he summarizes what is now known about the Revolutionary movement in New Hampshire and Georgia. In a chapter entitled "Thomas Jefferson and Revolutionary Democracy," he compares and contrasts the philosophical and institutional ideas of Jefferson with those of the dissident democratic groups of the Revolutionary era. In a concluding chapter, the author pays tribute to both contending groups in this manner: "The programs of the Revolutionary Whigs and democrats are therefore complementary to each other. Neither eighteenth-century liberalism nor eighteenth-century democracy was capable by itself of providing political freedom" (pp. 325–26). This conclusion is sound.

Rebels and Democrats is an important addition to the literature concerned with the growth of American political ideas and institutions in this formative period. Each chapter is fully documented, and a concise "Bibliographical Note" gives a brief evaluation of the most pertinent books, pamphlets, documents and newspapers relating to the democratic movement of this period. Finally, it should be stated that the author has carried out well the task set forth in the Preface: "... to write a useful book which might illuminate to some degree the origins of our democratic ideas and political institutions and stimulate further interest in the subject."—J. ALTON BURDINE, *The University of Texas.*

The Little Community: Viewpoints for the Study of a Human Whole. BY ROBERT REDFIELD. (Chicago: University of Chicago Press. 1955. Pp. 182. $4.00.)

Redfield has told us that there are many ways of looking at and describing communities. By looking at and describing *small* communities in his terms we get societal and cultural overviews that help us to understand the human whole. He does not tell us precisely *how* one goes about the process of observation, but he cites study values drawn from his own experiences, scholarly research, and observations that should be helpful in providing a broad and broadening approach to community field observations. He gives us a series of viewpoints from which to make our observations.

Drawing heavily on his own study of three Mexican villages, *Folk Culture of Yucatan*, and less heavily on Evans-Prichard's work on the Nuer tribesmen of the Sudan, Redfield reasserts the thesis that since the small community can be seen and mentally grasped as a whole, and since world social organization is predominantly made up of small communities, one can make a good beginning at explaining and describing the whole of society and culture by comparing such individual, whole communities. Four qualities of the small community which identify it and make it amenable to comparison are these: distinctiveness, smallness, homogeneity, and all-providing self-sufficiency.

If the researcher accepts the small community as a base for observation, he must then take into account the problem of seeing the community from the viewpoint of its members and at the same time "maintain a detachment sufficient to make the description meaningful to scientists." In part this requires ability to adopt a "world view," a philosopher's approach to the whole, and ability to "wait and listen to hear if one or many of the natives have themselves conceived an order in the whole." At the same time the researcher needs to take into account the various facets of community description: ecology, social structure, and history—all back-of-the-mind elements in the research process. So far so good! And that is about as far as Redfield goes with the exception of passing reference to the problems posed by "national state societies."

In the opinion of this reviewer a community approach to a description of world order is quite valid. However, since the metropolitan centers are anchor points of power, commerce, cultural reference, communication, and the like, to use *only* the small community in such a description leaves out the major element of modern world order. The great cities are the stars of societal and cultural constellations. The small communities are merely their satellites. The large centers would seem to provide a base for more accurate description than their peripheral social groups.

If I have done an injustice to Mr. Redfield, the fault lies mostly in my inability to follow him at those points where he comes upon a point, almost makes it, and goes on to another topic. The book is based, of course, on Redfield's Gottesman Lectures at Sweden's Uppsala University, and points are sometimes made in the lecture hall by tonal emphasis and gestures rather than by words in logical sequence.—FLOYD HUNTER, *University of North Carolina.*

The Communist Theory of Law. BY HANS KELSEN. (New York: Frederick A. Praeger, Inc. 1955. Pp. viii, 193. $5.00.)

Marx, Engels, and, later, Lenin were not concerned much with legal theory. The rise of the Soviet state created the practical need for a theory of law derived from, or at least compatible with, the general theory of Marxism-Leninism and the reality of political life in the Soviet Union. Kelsen's *The Communist Theory of Law* summarizes his studies of communist legal theories which he has carried on in the last 30 years, and some of the results of which were first published in German. The book in no way duplicates the recent studies by Hazard and Berman in this country and Schlesinger's work in Great Britain, but rather supplements them. The author has been the world's leading legal theorist for over a generation, and it is therefore understandable that his approach to the communist theory of law is largely based on his own conception of the law, as defined in his numerous treatises on law and the state. The first two chapters deal with the political and legal theories of Marx, Engels, and Lenin, and are probably the best brief summary analysis of the subject, incorporating and further developing some of the ideas Kelsen expressed in his recently published short book on *The Political Theory of Bolshevism* (1949). In Chapters III–VIII Kelsen takes up the major Soviet legal theoreticians, such as Stuchka, Pashukanis, Reisner, and Vyshinsky, and confronts their formulations both with the theory of communism as well as with the postulates of a general theory of law. Finally, in the last chapter Kelsen examines the implications of Soviet legal theory for the field of international law. Because of their more general subject-matter, the first two and the last chapters of *The Communist Theory of Law* will probably have the greatest appeal to the general political scientist. Kelsen writes with his usual verve and incisiveness, and even the more technical chapters of the book are enlivened by his breadth of interest and depth of analysis.—WILLIAM EBENSTEIN, *Princeton University.*

Philosophen in Spiegel und Zerrspiegel: Deutschlands Weg in den Nationalismus und Nationalsozialismus. BY FRIEDRICH GLUM. (München: Isar Verlag. 1954. Pp. 287.)

Professor Glum of the University of Munich spent some time after the war as a guest professor in England and the United States. Prior to this he had become acquainted with American and British educators who had entered Germany under the Occupation authority. Inevitably his contacts with them led to discussions of the reasons for the appearance of National Socialism in Germany and especially to the relationship of Nazi ideology to historic political philosophy. The present book is the author's attempt to deal with these problems. He first deals with the sociological and ideological foundations of German nationalism and National Socialism. Here are analyzed the youth movements, the conservative political revolution, and the experiences of World War I as roots out of which the Nazi movement grew. The second portion deals with ideological factors and here Fichte, Hegel, and Nietzsche and their Western counterparts—Locke, Rousseau, and de Tocqueville—are discussed. The author concludes that the traditional German philosophers can be made into supporters of the Nazi ideology only by a considerable distortion of their meaning and intent. Hence the significance of the title of the book: *Philosophen in Spiegel und Zerrspiegel.* In the concluding section Professor Glum attempts to put his political philosophers in their correct perspective and to deduce from them the foundations for a workable democratic theory. The work is of considerable interest both because it is refreshing and provocative and because it expresses the thought of a contemporary German political theorist and thus gives us some insight into the climate of opinion existing in certain sections of the German academic community.—H. M. M.

International Bibliography of Political Science. Volume II. PREPARED BY THE INTERNATIONAL POLITICAL SCIENCE ASSOCIATION IN CO-OPERATION WITH THE INTERNATIONAL COMMITTEE FOR SOCIAL SCIENCES DOCUMENTATION. JEAN MEYNAUD (ED.) AND JEAN MEYRIAT (ASSOCIATE ED.). (Paris: UNESCO. 1955. Pp. 279. $3.50.)

Whereas Volume I of this bibliography listed works published in 1952, Volume II lists "works published in 1953, including some publications of the previous year." The reasons for and basis of selection of books from the "previous year" is not explained. Volume II as compared with Volume I lists "a greater number of titles drawn from more varied sources." In view of the many omissions from the first volume, this broader coverage will be welcomed by those who use the bibliography. The bibliography is indeed comprehensive in plan and execution. Its use will be facilitated by the careful classification system and by author and subject indexes. In the case of books there are frequently one-sentence annotations and references to reviews.

The Heresy of Democracy: A Study in the History of Government. BY LORD PERCY OF NEWCASTLE. (Chicago: Henry Regnery Co. 1955. Pp. 246. $4.00.)

The growing literature critical of the totalitarian implications of democracy is reinforced by this American edition of Lord Percy's *Heresy of Democracy.* The author considers democracy to be a heresy since in its modern form it has departed from its traditional bases in a Christian social order and moved in the direction of a totalitarianism either of the right or of the left. The historic breaking point is the French Revolution, although earlier distortions of the Christian concept are to be found in phases of the medieval struggle between church and state. The author calls for a revival of the Christian belief in transcendent values and a recognition of the subordinate, although essential, role which the state plays in human society. Only by the recovery of belief can the world again become free, and Western civilization saved from a statism enmeshed in the consideration of means rather than of ends. The West has the choice of either accepting the moral state in a dualistic society or following the welfare state down the road to tyranny.

The Study of Political Theory. By Thomas P. Jenkin. (Garden City, N. Y.: Doubleday & Company. 1955. Pp. x, 99. $0.95.)

Students will welcome this latest addition to the Doubleday *Short Studies in Political Science.* Here in the compass of some 95 pages Professor Jenkin has presented a blueprint of the scope and method of political theory. The work covers the following: "Nature and Objects of Political Theory," "Concepts of Political Theory," "Systems of Political Doctrine," and "Contemporary Foci in Political Theory." The necessity of condensation has made the book one which will be "tough going" for the beginning student, but once he has mastered it he will be well equipped to analyze the nature of his subject in a scholarly and responsible manner.

Marx and the Marxists: The Ambiguous Legacy. By Sidney Hook. (Princeton, N. J., New York, Toronto, and London: D. Van Nostrand Co., Inc., 1955. Pp. 254. $1.25.)

A useful collection of readings covering selections from the writings of socialist leaders from Marx to Stalin. The inclusion of selections by Kautsky, Bernstein, Trotsky, and Luxemburg is commendable since these authors are frequently neglected with the result that students are often given a distorted picture of socialist development based on the writings of Marx, Lenin, and Stalin alone. Sidney Hook has contributed an excellent introductory essay which succinctly covers and evaluates the history of the Marxist movement.

The Communist Manifesto with Selections from The Eighteenth Brumaire of Louis Bonaparte and Capital by Karl Marx. By Karl Marx and Friedrich Engels. Edited by Samuel H. Beer. (New York: Appleton-Century-Crofts, Inc. 1955. Pp. xxix, 96. $0.45.)

The Crofts Classics Series makes available in this edition the text of the *Communist Manifesto,* together with Engel's *Preface* to the English Edition of 1888 and selections from Marx's *Capital* and the *Eighteenth Brumaire of Louis Bonaparte.* A brief introductory essay by the editor deals with the major facets of Marx's economic and social analysis.

Mutual Aid: A Factor of Evolution. By Peter Kropotkin. (Boston, Mass.: Extending Horizons Books. 1955. Pp. 362. $3.00.)

This edition is the first in a series of volumes, both reprints and new works, to be published by Extending Horizons. It includes a Foreword by Ashley Montagu and, as an appendix, Thomas H. Huxley's *The Struggle for Existence,* to which *Mutual Aid* was a reply.

Politics and Science. By William Esslinger. Foreword by Albert Einstein. (New York: Philosophical Library. 1955. Pp. xi, 167. $3.00.)

The author's contention is that political science as a discipline has failed to keep abreast of the technical advances of the physical sciences. The author therefore appeals for the application of the methods of pure science to the study of politics in order that political leaders may have a firm factual basis on which to construct their solutions to current problems. If such a science of politics can be developed, and the author thinks it can, the possibilities of dealing rationally with current international tensions leading to the achievement of a lasting peace will be greatly increased.

Patterns of a New Philosophy. By Frederick Mayer and Frank E. Brower. (Washington, D. C.: Public Affairs Press. 1955. Pp. vi, 112. $3.25.)

This is a criticism of contemporary philosophy for being too concerned with the theory of knowledge and with metaphysics whereas, according to the authors, it should turn its attention to the establishment of a rationalistic basis for the orientation of man to the complexities of the twentieth century. There would be general agreement with the authors' criticisms and with their attack upon the "professionalization" of philosophy. However, when the work attempts to lay down a constructive program under the slogan of a "Creed for Our Times" the results are unsatisfying. This is due in part to the shortness of the work and also to a lack of hard thinking upon the authors' part. The book emerges as a series of loosely connected chapters which fail to inspire conviction in the reader.—H.M.M.

Freedom's Holy Light. By Merrimon Cuninggim. (New York: Harper & Bros. 1955. Pp. xi, 192. $2.75.)

Based on a series of lectures delivered by the author at various American universities, the thesis is advanced that freedom in America is rooted in religious freedom. Hence all freedom is ultimately based on moral responsibility which tempers the exercise of rights by reminding us of our duties to society as a whole. To preserve our religious freedom we must seek a "middle way" between a rigid separation of church and state and their intermingling in such a way as to result in the domination of one by the other. We must likewise safeguard the right to freedom of worship and recognize the "supremacy of conscience."

Essays in Political and Intellectual History. BY SAMUEL BERNSTEIN. (New York: Paine-Whitman Publishers. 1955. Pp. 224. $4.00.)

A collection of previously published essays, here revised, and augmented by two new ones, all dealing either with aspects of French revolutionary movements or related phenomena such as British Jacobinism and the First International. Several of the essays deal with American reaction to events in France and the interrelation of French and American thought. The period covered is roughly from the French Revolution to the Paris Commune. The bibliographical notes are of value.

Social Science: An Introduction to the Study of Society. BY ELGIN F. HUNT WITH CHAPTERS BY NORMAN HILL AND THOMAS S. FARR. (New York: The Macmillan Company. 1955. Pp. xv, 741. $6.90.)

A textbook with sections on social, economic, and political organization and problems, and ending with one on international relations.

Gateway to the Social Sciences. BY ARTHUR W. THOMPSON. (New York: Henry Holt Company. 1955. Pp. viii, 371. $2.90.)

A book of readings for the introductory general education course in social sciences built around the concept of institutions, and seeking to illustrate their nature, evolution, interrelationships, and problems.

The Political Writings of James Harrington: Representative Selections. EDITED WITH AN INTRODUCTION BY CHARLES BLITZER. (New York: The Liberal Arts Press. 1955. Pp. xli, 165. $2.25.)

This compilation contains the complete text of Harrington's *System of Politics*, extensive and well-chosen selections from his *Commonwealth of Oceana*, and the major portion of *The Rota*, together with a chronology, introductory essay and selected bibliography.

The Levellers: A History of the Writings of Three Seventeenth-Century Social Democrats: John Lilburne, Richard Overton, William Walwyn. BY JOSEPH FRANK. (Cambridge, Mass.: Harvard University Press. 1955. Pp. 345. $5.00.)

A thorough analysis of the writings of the principal Levellers together with chapters on "The Ancestry of the Levellers" and "The Contribution of the Leveller Party." An exhaustive array of sources was examined.

SELECTED ARTICLES AND DOCUMENTS ON

POLITICAL THEORY

FRANCIS G. WILSON

University of Illinois

History and Criticism

Ahlstrom, Sydney E. The Scottish Philosophy and American Theology. *Church History.* September, 1955.

Altheim, Franz. Asiatischer Feudalismus: Zur Geschichte des Sassanidenreiches. *Merkur.* October, 1955.

Artola, Miguel. La Disusión de la Ideología Revolucionaria en los Origenes del Liberalismo Español. *Arbor.* July–August, 1955.

Barker, Felix. The Life and Strange Death of Eleanor Marx. *Cornhill.* Autumn, 1955.

Blanes, Francisco Guil. La Filosofía en el Perú del XVII. *Estudios Americanos.* August, 1955.

Blet, Pierre. L'Article du Tiers aux États Généraux de 1614. *Revue d'Histoire Moderne et Contemporaine.* April–June, 1955.

Blumenskranz, B. Deux Compilations Canoniques de Florus de Lyon et l'Action Antijuive d'Agobard. *Revue Historique de Droit Français et Étranger.* 33/2. 1955.

Bobbio, N. Benedetto Croce e il Liberalismo. *Rivista di Filosofia.* July, 1955.

Bobbio, N. Libertà e Potere. *Nuovi Argomenti.* May–June, 1955.

Boer, W. den. Religion and Literature in Hadrian's Policy. *Mnemosyne.* VIII/2. 1955.

Boer, Wolfgang de. Cusanus und Das Gesetz der Existenz. *Merkur.* October, 1955.

Boyancé, P. Sur la Théologie de Varron. *Revue des Études Anciennes.* LVII/1–2. 1955.

Brant, Irving. John W. Eppes, John Randolph, and Henry Adams. *Virginia Magazine.* July, 1955.

Chacho, C. J. The "Arthasastra" of Kautilya. *Indo-Asian Culture.* October, 1954.

Cherpak, Clifton. Warburton and the Encyclopédie. *Comparative Literature.* Summer, 1955.

Cicero. [Various Articles.] *Gymnasium.* 62/4. 1955.

Cohen, Gustave. Le Caractère Européen de la Civilisation Occidentale au Moyen-Age. *Les Cahiers de Bruges.* June, 1955.

Cohen, Victor. Lamennais. *Quarterly Review.* October, 1955.

Composto, Renato. Le Teorie Sociali dell'Abate Mably. *Belfagor.* July, 1955.

Coppola, Nunzio. Un'Ignorata Difesa della Constituzione Napoletana del 1820–21. *Nuova Antologia.* October, 1955.

Costanzo, Joseph F. Il Principio Agostiniano di Equilità. *Humanitas.* November, 1954.

Costanzo, Joseph F. La Dottrina Agostiniana sull'Integrità della Natura Umana. *Giornale di Metafisica.* October, 1954.

Crehan, J. H. The Return to Obedience: New Judgment on Cardinal Pole. *Month.* October, 1955.

Davies, Godfrey. Milton in 1660. *Huntington Library Quarterly.* August, 1955.

Day, Hem. Quelques Remarques Bibliographiques sur l'Influence de William Godwin en France. *Bulletin of the International Institute of Social History* (Amsterdam). No. 1, 1955.

Dehio, L. Um den Deutschen Militarismus. *Historische Zeitschrift.* August, 1955.

Delgado, Honorio. Spranger y el Genio Alemán. *Philosophia.* No. 19, 1954.

Dorpalen, Andreas. Wilhelmian Germany—A House Divided Against Itself. *Journal of Central European Affairs.* October, 1955.

Dover, K. J. Anapsephisis in Fifth-Century Athens. *Journal of Hellenic Studies.* LXXV/1955.

Dudden, A. P. and von Lane, T. H. The RSDLP and Joseph Fels: A Study in Inter-Cultural Contact. *American Historical Review.* October, 1955.

Figueres, Léo. Quelques Aspects et Quelques Enseignements de l'Activité de Jules Guesde et du Guesdisme. *Cahiers du Communisme.* October, 1955.

Fodor, Heinrich. Der Jakobinismus in Ungarn. *Archiv für Kulturgeschichte.* 37/2. 1955.

Foreville, Raymonde. La Vocation de La Mennais. *Annales de Bretagne.* LXI/2. 1954.

Foucher, A. Cicéron et la Nature. *Bulletin de l'Association Guillaume Budé.* October, 1955.

Furbank, P. N. Godwin's Novels. *Essays in Criticism.* July, 1955.

Garrigue, François. Goethe et Valéry: Liberté de l'Esprit dans la Personne. *La Revue des Lettres Modernes.* April–May, 1955.

Gasiorowski, Zygmunt J. The Conquest Theory of the Genesis of the Polish State. *Speculum.* October, 1955.

Gerlich, Alois. Die Reichspolitik des Erzbischofs Otgar von Mainz. *Rheinische Vierteljahrsblätter.* 19/3–4. 1954.

Geyl, P. Michelet en zijn Franse Revolutie. *De Gids.* October, 1955.

Girard, Marcel. Positions Politiques d'Emile Zola Jusqu'à l'Affaire Dreyfus. *Revue Française de Science Politique.* July–September, 1955.

Giusso, Lorenzo. El Sentido de la Cienca Nueva y el Derecho Romano en J. B. Vico. *Revista de Estudios Políticos.* May–June, 1955.

Godechot, J. Une Première Critique des "Reflexions sur la Révolution Française" de Burke. *Annales Historiques de la Révolution Française.* July–September, 1955.

Gouthier, H. La Philosophie de l'Histoire d'Auguste Comte. *Journal of World History.* II/3. 1955.

Grossage, A. J. Two Implications of the Trojan Legend. *Greece and Rome.* February–June, 1955.

Guillemin, Henri. Les Origines de la Commune: Paris, Août 1870. *Les Temps Modernes.* September, 1955.

Guillén, José. Ciceron y el Genuino Aticismo. *Arbor.* July–August, 1955.

Hamilton, J. G. de R. The Pacifism of Thomas Jefferson. *Virginia Quarterly Review.* Autumn, 1955.

Harpaz, E. Mably et Ses Contemporains. *Revue des Sciences Humaines.* July–September, 1955.

Harrison, A. R. W. Law-Making at Athens at the End of the Fifth Century. *Journal of Hellenic Studies.* LXXV/1955.

Hartung, F. Der Aufgeklärte Absolutismus. *Historische Zeitschrift.* August, 1955.

Haskins, George L. Executive Justice and the Rule of Law: Some Reflections on Thirteenth-Century England. *Speculum.* October, 1955.

Heberle, Rudolf. Ferdinand Tönnies' Contribution to the Sociology of Political Parties. *American Journal of Sociology.* November, 1955.

Hermanns, Will. Josef Görres. *Rheinische Vierteljahrsblätter.* 19/3–4. 1954.

Hess, Whitcomb M. The Death of Sören Kierkegaard. *Catholic World.* November, 1955.

Holmer, Paul L. Kierkegaard and Religious Propositions. *Journal of Religion.* July, 1955.

Hooykaas, R. Thomas Digges' Puritanism. *Archives Internationales d'Histoire des Sciences.* April–June, 1955.

Hughes, H. Stuart. The Aftermath of the Risorgimento in Four Successive Interpretations. *American Historical Review.* October, 1955.

Irazusta, Julio. Pedro de Angelis, Vocero de Rosas. *Estudios Americanos.* May, 1955.

Jackson, Gabriel. The Origins of Spanish Anarchism. *Southwestern Social Science Quarterly.* September, 1955.

Jacoby, E. G. Ferdinand Tönnies, Sociologist. *Kyklos.* VIII/2. 1955.

Jobet, Julio César. José Victorino Lastarria y la Democracia en Chile. *Atenea.* May, 1955.

Joly, R. Saint Augustin et l'Intolerance Religieuse. *Revue Belge de Philogie et d'Histoire.* XXXIII/2. 1955.

Jones, A. H. M. Imperial and Senatorial Jurisdiction in the Early Principate. *Historia.* III/4. 1954–55.

Kierkegaard. [Various Articles.] *La Table Ronde.* November, 1955.

Kierkegaard. [Various Articles.] *Orbis Litterārum.* X/1–2. 1955.

Kliger, Samuel. Emerson and the Usable Anglo-Saxon Past. *Journal of the History of Ideas.* October, 1955.

Kluxen, K. Politik und Heilsgeschehen bei Bossuet. *Historische Zeitschrift.* June, 1955.

Kusch, Horst. Friede als Ausgangspunkt der Staatstheorie des Marsilius Von Padua. *Das Altertum.* 1/2. 1955.

Lana, Italo. La Libertà nel Mondo Antico. *Revista di Filologia.* XXXIII/1. 1955.

Lener, S., Ignazio di Loyola Legislatore Santo e Geniale. *La Civilità Cattolica.* October 1, 1955.

Lenoir, Raymond. Emile Littré y la Revista de Filosofía Positiva. *Revista Mexicana de Sociologia.* January–April, 1955.

Leroy, Maxime. El Bicentenairio de la Muerte de Montesquieu. *Cuadernos Americanos.* September–October, 1955.

Loftis, John. The London Theaters in Early Eighteenth-Century. *Huntington Library Quarterly.* August, 1955.

Lomas, Charles W. Dennis Kearney: Case Study in Demogoguery. *Quarterly Journal of Speech.* October, 1955.

Luthera, V. P. Ancient Indian Polity. *Modern Review.* July, 1955.

Malraux, André. On Saint-Just. *Partisan Review.* Fall, 1955.

Mañach, Jorge. Santayana y D'Ors. *Cuadernos Americanos.* September–October, 1955.

Maravall, Jose Antonio. El Pensamiento Político en Expaña a Comienzos del Siglo XIX: Martínez Marina. *Revista de Estudios Politicos.* May–June, 1955.

Marias, Julian. La Métaphysique d'Ortega y Gasset. *Cahiers du Sud.* No. 330, 1955.

Massignon, Louis. Un Voeu et un Destin: Marie Antoinette, Reine de France. *Les Lettres Nouvelles.* September, 1955.

McLaughlin, Mary M. Paris Masters of the Thirteenth and Fourteenth Centuries and Ideas of Intellectual Freedom. *Church History.* September, 1955.

McRae, Robert. The Two Moralities of Spinoza. *University of Toronto Quarterly.* October, 1955.

Menczer, Béla. Germany, Austria and Central Europe. *Quarterly Review.* October, 1955.

Messina, G. Il Monarca-dio e l'Autocrazia. *La Civiltà Cattolica.* October 15, 1955.

Messineo, Antonio. Libertà e Socialità nel Pensiero di Rosmini. *Idea.* December, 1954.

Milhau, René. Salut Historique ou Salut Noétique. [Spinoza]. *Revue de Métaphysique et de Morale.* January–June, 1955.

Moore, Carlisle. *Sartor Resartus* and the Problem of Carlyle's "Conversion." *PMLA.* September, 1955.

Muñoz Pérez, Jose. Los Proyectos sobre España e Indias en el Siglo XVIII: El Proyectismo Como Género. *Revista de Estudios Politicos.* May–June, 1955.

Murdock, Kenneth B. Clio in the Wilderness: History and Biography in Puritan New England. *Church History.* September, 1955.

Naniwada, Harno. Smith—Hegel—Marx. *Zeitschrift für die Gesamte Staatwissenschaft.* III/3. 1955.

Nohn, Ernst August. Clausewitz in America. *Neues Abendland.* October, 1955.

Norling, Bernard. Contemporary English

Catholics and the Policies of James II. *Mid-America*. October, 1955.

Oliver, James H. Freemen and Dediticii. *American Journal of Philology*. July, 1955.

Origo, Iris. The Domestic Enemy: The Eastern Slaves in Tuscany in the Fourteenth and Fifteenth Centuries. *Speculum*. July, 1955.

Ottaway, A. K. C. The Educational Sociology of Emile Durkheim. *British Journal of Sociology*. September, 1955.

Padover, Saul K. George Washington—Portrait of a True Conservative. *Social Research*. Summer, 1955.

Parra-Perez, C. La Monarquía en la Gran Columbia. *Revista National de Cultura*. May–June, 1955.

Perkins, Merle L. Documentation of Saint-Pierre's *Projet de Paix Perpetuelle*. *Modern Language Quarterly*. September, 1955.

Pettazoni, Raffaile. The Spirit of Paganism. *Diogenes*. No. 9, 1955.

Pflug, Gunther. Die Kritik Hippolyte Taines an der Spiritualistischen Philosophie. *Deutsche Vierteljahrsschrift für Literaturwissenschaft und Geistesgeschichte*. 29/3. 1955.

Popkin, Richard H. The Skeptical Precursors of David Hume. *Philosophy and Phenomenological Research*. September, 1955.

Prakash, Buddha. The Hindu Philosophy of History. *Journal of the History of Ideas*. October, 1955.

Raman, K. V. Edmund Burke and India. *Modern Review*. August, 1955.

Rath, R. John. The Viennese Liberals of 1848 and the Nationality Problem. *Journal of Central European Affairs*. October, 1955.

Reichard, Hugo M. The Independence of Pope as a Political Satirist. *Journal of English and Germanic Philology*. July, 1955.

Rossi, Giuseppe Carlo. Jovellanos nella Storia del "Despotismo Ilustrado" in Spagna. *Filologia Romanza*. April–June, 1955.

Rostand, Jean. Montesquieu et la Biologie. *Revue d'Histoire des Sciences*. April–June, 1955.

Roth, Cecil. Were the Sephardim Hidalgos? *Commentary*. August, 1955.

Roux, René. Puritanism and Democracy. *Diogenes*. No. 9, 1955.

Ruy, Chaix. Sociologia y Psicologia de la Vida Social en la Obra de Ibn Jaldun. *Revista Mexicana de Sociologia*. January–April, 1955.

Schottlaender, Rudolf. Epikureisches bei Seneca. *Philologus*. 99/1–2. 1955.

Sciacca, Michele Federico. Il Criterio di Verita e lo Storicismo di Vico. *Philosophia* (Argentina). No. 18, 1953.

Sealey, Raphael. Athens After the Social War. *Journal of Hellenic Studies*. LXXV/1955.

Smethurst, S. E. Politics and Morality in Cicero. *Phoenix*. Autumn, 1955.

Smith, Wilson. Lieber's Moral Philosophy. *Huntington Library Quarterly*. August, 1955.

Sordi, M. A Proposito di uno Scritto Politico del 401–400 a.C.: Il *περὶ πολιτείας*. *Revista di Filologia*. XXXIII/2. 1955.

Sorenson, Lloyd R. Charles A. Beard and German Historiographical Thought. *Mississippi Valley Historical Review*. September, 1955.

Spitz, Lewis W. Natural Law and the Theory of History in Herder. *Journal of the History of Ideas*. October, 1955.

Stovall, Floyd. Walt Whitman and the American Tradition. *Virginia Quarterly Review*. Autumn, 1955.

Sullivan, Francis A. Roman Anti-Militarism. *Classical Journal*. October, 1955.

Temko, Allan. The Dark Age of Medieval Jewry. *Commentary*. September, 1955.

Thompson, Kenneth W. Toynbee's Approach to History Reviewed. *Ethics*. July, 1955.

Valiani, Léo. Lettres de Antonio Labriola aux Socialistes Allemands et Français (1890–1900). *Bulletin of the International Institute of Social History* (Amsterdam). No. 2, 1954.

Vretska, Karl. Platons Demokratenkapitel. *Gymnasium*. 62/5. 1955.

Whitfield, J. H. On Machiavelli's use of *Ordini*. *Italian Studies*. X/1955.

Wiarda, R. Het Tragische Element in Het Leven von Charles Péguy. *De Gids*. July, 1955.

Widmar, Bruno. Il Centenario di Antonio Rosmini. *Belfagor*. September, 1955

Williams, Frank B. Public Reaction to the Poll Tax as a Suffrage Requirement in Mississippi, 1890–1905. *Journal of Mississippi History*. October, 1955.

Yolton, John W. Locke and the Seventeenth-Century Logic of Ideas. *Journal of the History of Ideas*. October, 1955.

Legal Theory and Public Law Issues

Asís, Augustin de. La Filosofía del Derecho en Hispanoamérica. *Estudios Americanos* May, 1955.

Benn, S. J. The Uses of Sovereignty. *Political Studies*. June, 1955.

Berman, Harold J. Soviet Justice and Soviet Tyranny. *Columbia Law Review*. June, 1955.

Brown, Stuart Gerry. Politics and Mr. Crosskey's Constitution I. *Syracuse Law Review*. Spring, 1955.

Brownell, Herbert, Jr. John Marshall, "The Chief Justice." *Cornell Law Quarterly*. Fall, 1955.

Brownell, Herbert, Jr. Separation of Powers: Executive and Legislative Branches. *Dickinson Law Review*. October, 1955.

Burke, Edward M. Marriage, the Chancery Court, and the Catholic Church. *De Paul Law Review*. Summer, 1955.

Casiello, Juan. La Justicia Social Como Instrumento del Estado. *Cuadernos Periodicos*. (Buenos Aires). No. 6, 1955.

Chroust, Anton-Herman. The Legal Profession in Ancient Imperial Rome. *Notre Dame Lawyer*. August, 1955.

Crane, Judson A. Constitutionality of Testamentary Racial or Religious Restraints on Marriage. *Hastings Law Journal*. April, 1955.

Fifth Amendment. [Various Articles.] *Nebraska Law Review*. May, 1955.

García Gallo, Alfonso. El Derecho Commún Ante el Nuevo Mundo. *Revista de Estudios Políticos*. March–April, 1955.

Guins, George C. Towards an Understanding of Soviet Law. *Soviet Studies*. July, 1955.

Hays, Paul R. Congress' Right to Investigate. *Commentary*. November, 1955.

Hazard, John N. Soviet Commentators Re-Evaluate the Policies of Criminal Law. *Columbia Law Review*. June, 1955.

Levy, Beryl H. The Common Law and Individual Freedom. *Social Research*. Summer, 1955.

L'Huiller, Jean. Défense du Positivisme Juridique. *Revue de Droit Public et de la Science Politique*. October–December, 1954.

Maslow, Will. The Uses of Law in the Struggle for Equality. *Social Research*. Autumn, 1955.

Natural Law: Symposium: The Natural Law and the Family. *Fordham Law Review*. Spring, 1955.

Pfeffer, Leo. Religion in the Upbringing of Children. *Boston University Law Review*. June, 1955.

Seiter, Francis J. Revision of the United Nations Charter: A Natural Law Approach. *De Paul Law Review*. Summer, 1955.

Silving, Helen. The Twilight Zone of Positive and Natural Law. *California Law Review*. July, 1955.

Vestal, Allan D. Freedom of Movement. *Iowa Law Review*. Fall, 1955.

Weihofen, Henry. Crime, Law, and Psychiatry. *New Mexico Quarterly*. Summer-Autumn, 1955.

Williams, C. Dickerman. Problems of the Fifth Amendment. *Fordham Law Review*. Spring, 1955.

Special Studies and Analysis

Amoun, Alfred. Röpkes Internationale Ordnung. *Kyklos*. VIII/2. 1955.

Anderle, Othmar. The Revolution in the World-View of History. *Diogenes*. No. 9, 1955.

Andersch, Alfred. Thomas Mann et la Politique. *Documents*. September, 1955.

Arnold, G. L. Collectivism Reconsidered. *Dissent*. Autumn, 1955.

Arnold, G. L. Communism and the Intelligentsia in Backward Areas. *Problems of Communism*. September–October, 1955.

Asirvatham, E. Study of Political Science in India. *Indian Journal of Political Science*. January–March, 1955.

Ayer, A. J. Philosophy at Absolute Zero. *Encounter*. October, 1955.

Barr, Stringfellow. Liberal Education: A Common Adventure. *Antioch Review*. Fall, 1955.

Bernard, L. Leon. Molière and the Historian of French Society. *Review of Politics*. October, 1955.

Birch, Cyril. Chao Shu-Li: Creative Writing in a Communist State. *New Mexico Quarterly*. Summer–Autumn, 1955.

Birnbaum, N. Monarchs and Sociologists. *Sociological Review*. July, 1955.

Blanshard, Brand. The Impasse in Ethics and a Way Out. *University of California Publications in Philosophy*. Vol. 28, No. 2. 1955.

Bortolaso, G. La Filosofia di Gabriel Marcel. *La Civiltà Cattolica*. July 2, 1955.

Boulouis, Jean. Humanisme et Démocratie. *Revue de la Méditerranée*. July–August, 1955.

Braybrooke, David. Farewell to the New Welfare Economics. *Review of Economic Studies*. XXII/3. 1954–55.

Brown, Stuart G. Democracy, the New Conservatism, and The Liberal Tradition in America. *Ethics*. October, 1955.

Brugmans, H. Morte de la Culture Laïque? *Les Cahiers de Bruges*. June, 1955.

Brüning, Walther. Das Menschenbild in der Heutigen Philosophie. *Universitas*. August, 1955.

Brunschwig, Henri. Colonial Imperialism. *Confluence*. July, 1955.

Calhoun, R. L. Moral Obligation and Religious Conviction. *Confluence*. July, 1955.

Champigny, Robert. Sens de la *Nausée*. *PMLA*. March, 1955.

Clark, Colin. The Soviet Crisis. *Encounter*. August, 1955.

Coolidge, Mary L. The Experimental Temper in Contemporary European Philosophy. *Journal of Philosophy.* September 1, 1955.

Crick, Bernard. The Strange Quest for an American Conservatism. *Review of Politics.* July, 1955.

Demos, Raphael. Jung's Thought and Influence. *Review of Metaphysics.* September, 1955.

Derisi, Octavio Nicolas. Lo Absoluto y lo Relativo en el Conocimiento Humano. *Philosophia* (Argentina). No. 19, 1954.

Dubarle, D. Les Chrétiens et l'Opium des Intellectuels. *La Vie Intellectuelle.* August–September, 1955.

DuBridge, Lee A. The American Scientist: 1955. *Yale Review.* Autumn, 1955.

Earle, William and Others. Freedom and Existence: A Symposium. *Review of Metaphysics.* September, 1955.

Eastman, Max. L'Itinéraire New York-Moscou et Retour. *Preuves.* November, 1955.

Eby, Kermit. Political Morality and the Business Man. *Religion in Life.* Summer, 1955.

Eck, Marcel. Psychoanalyse der Gewaltlosigkeit. *Dokumente.* June, 1955.

Ellis, John Tracy. American Catholics and the Intellectual Life. *Thought.* Autumn, 1955.

Fall, Bernard B. The Political-Religious Sects of Viet-Nam. *Pacific Affairs.* September, 1955.

Fichter, P. J. H. La Religión Como Institución en los Estados Unidos. *Revista de Estudios Políticos.* March–April, 1955.

Freund, Ludwig. The New Conservatism and European Conservatism. *Ethics.* October, 1955.

Frisch, Alfred. Nach dem Kapitalismus—die Technokratie. *Dokumente.* June, 1955.

Fromm, Erich. The Human Implications of Instinctive "Radicalism." *Dissent.* Autumn, 1955.

Gahringer, Robert E. Liberalism and Humanism. *Ethics.* October, 1955.

Gideonse, Harry D. Academic Freedom: A Decade of Challenge and Clarification. *Annals.* September, 1955.

Girardet, Raoul. Note Sur l'Esprit d'un Fascisme Français. *Revue Française de Science Politique.* July–September, 1955.

Glaser, William A. The Types and Uses of Political Theory. *Social Research.* Autumn, 1955.

Gordon, Paul J. Aspectos Estructurales del Orden Social Cristiano. *Cuadernos de Política Social.* No. 25, 1955.

Graves, Robert. Greek Myth and Pseudo Myths. *Hudson Review.* Summer, 1955.

Grundmann, Herbert. Neue Beitrage zur Geschichte der Religiosen Bewegung in Mittelalter. *Archiv für Kulturgeschichte.* 37/2. 1955.

Hahn, Walter F. The Socialist Party of Austria: Retreat from Marx. *Journal of Central European Affairs.* July, 1955.

Hampshire, Stuart. In Defence of Radicalism. *Encounter.* August, 1955.

Hanser, Arnold. Der Begriff der Zeit in der Neueren Kunst und Wissenschaft. *Merkur.* September, 1955.

Harrington, Michael. Die Dritte Revolutionierung der Arbeit. *Frankfurter Hefte.* July, 1955.

Harsanyi, John C. Cardinal Welfare, Individualistic Ethics, and Interpersonal Comparisons of Utility. *Journal of Political Economy.* August, 1955.

Hartt, Julian N. The Philosopher, the Prophet, and the Church. *Journal of Religion.* July, 1955.

Hofstadter, Richard. The Pseudo-Conservative Revolt. *Perspectives.* No. 12, 1955.

Hughes, Merritt Y. A Meditation on Literary Blasphemy. *Journal of Aesthetics and Art Criticism.* September, 1955.

Johnson, Eldon L. The Capacity to Govern. *Western Political Quarterly.* September, 1955.

Jouvenal, Bertrand de. The Mover and the Adjuster. *Diogenes.* No. 9, 1955.

Jouvenal, Bertrand de. Reflections on Colonialism. *Confluence.* October, 1955.

Joynt, C. B. and Hayden, S. S. Morals and Politics: The Current Debate. *Canadian Journal of Economics and Political Science.* August, 1955.

Kariel, Henry S. The New Order of Mary Parker Follett. *Western Political Quarterly.* September, 1955.

Katzenbach, E. L. and Hanrahan, G. Z. The Revolutionary Strategy of Mao Tse-tung. *Political Science Quarterly.* September, 1955.

Kaufmann, Walter. Toynbee and Super-History. *Partisan Review.* Fall, 1955.

Kelsen, Hans. Foundations of Democracy. *Ethics.* October, 1955, Part II.

Kennan, George F. Commencement, 1955. *Social Research.* Summer, 1955.

Kirk, Russell. The Death of Art: Ehrenberg's *Thaw. Dublin Review.* Third Quarter, 1955.

Kirk, Russell. John Locke Reconsidered. *Month.* November, 1955.

Kline, George L. A Philosophical Critique of Soviet Marxism. *Review of Metaphysics.* September, 1955.

Knoll, Ernst. Die Sozialethischen und Rechtlichen Wandlungen in der Beurteilung des Armenwesens. *Zeitschrift für die Gesamte Staatswissenschaft.* III/3. 1955.

Land, Philip S. Practical Wisdom and Social Order. *Social Order.* November, 1955.

Le Blond, Jean-Marie. Der Soziale Aspekt des Zeitgenössichen Atheismus. *Dokumente.* June, 1955.

Le Blond, J-M. Le Sens de l'Histoire et l'Action Politique. *Études.* November, 1955.

Lefort, Claude. L'Aliénation Comme Concept Sociologique. *Cahiers Internationaux de Sociologie.* January–June, 1955.

Lekachman, Robert. Our "Revolution" in Income Distribution. *Commentary.* August, 1955.

Lener, S. Stato, Regime, Partiti Politici. *La Civiltà Cattolica.* September 3, 1955; October 15, 1955.

Lentin, Paul. Pseudo-Revolution, Pseudo-Christentum und Romantische Restauration. *Frankfurter Hefte.* August, 1955.

LeRoy, Gaylord C. The New Conservatism. *Bulletin,* A.A.U.P. Summer, 1955.

Lévy-Bruhl, Henri. Le Mythe de l'Égalité Juridique. *Cahiers Internationaux de Sociologie.* January–June, 1955.

Loveday, Arthur F. Spain: The Loss of a Friend. *Quarterly Review.* October, 1955.

Luthy, Herbert. The Intellectuals: France. *Encounter.* August, 1955.

Lytle, Scott H. Croce e il Metodo Storico. *Nuova Antologia.* September, 1955.

Mackenzie, W. J. M. Political Theory and Political Education. *Universities Quarterly.* August, 1955.

Mandelbaum, Maurice. History and Social Theory. *Journal of the History of Ideas.* October, 1955.

Marco, A. de. Proprietà Capitalistica, Imprenditrice e Lavoratrice. *La Civiltà Cattolica.* August 20, 1955.

Marcus, John T. Neutralism in France. *Review of Politics.* July, 1955.

Marien, Francis J. Social and Political Wisdom of Maritain. *Social Order.* November, 1955.

Markov, Walter. Die Utopie des Citoyen. *Aufbau.* July, 1955.

Martínez, Fedel G. Autenticidad Filosofía dentro del Pensamiento Cristiano. *Arbor.* July–August, 1955.

Massenet, M. La Prudence Politique a L'Oeuvre dans la Vie des Cités. *Revue Thomiste.* LXIII/1. 1955.

Masur, Gerhard. Miguel de Unamuno. *Americas.* October, 1955.

Medawar, P. B. The Imperfections of Man. *Twentieth Century.* September, 1955.

Metzger, Walter P. The German Contribution to the American Theory of Academic Freedom. *Bulletin,* A.A.U.P. Summer, 1955.

Mitford, Nancy. The English Aristocracy. *Encounter.* September, 1955.

Moore, Barrington. Notes on the Process of Acquiring Power. *World Politics.* October, 1955.

Moore, Barrington. Sociological Theory and Contemporary Politics. *American Journal of Sociology.* September, 1955.

Moravia, Alberto. Man as an End in Himself. *Confluence.* July, 1955.

Morgenthau, Hans J. Reflections on the State of Political Science. *Review of Politics.* October, 1955.

Mukerji, Krishna P. Some Problems of Methodology in Political Science Research. *Indian Journal of Political Science.* January–March, 1955.

Mukhopadhyaya, R. Harold Laski and Property. *Modern Review.* August, 1955.

Murray, John. Church and State in Argentina. *Month.* September, 1955.

Paniker, Raimundo. Die Sünde der Intellektuellen. *Neues Abendland.* November, 1955.

Peffer, Nathaniel. Lenin and the Course of Colonial Communism. *Yale Review.* Autumn, 1955.

Pierrard, André. À Propos de la Gauche des "Temps Modernes." *Cahiers du Communisme.* September, 1955.

Porre, J.-R. Laïcité et Liberté: Une Entente Possible sur la Question Scolaire. *Revue Politique et Parlementaire.* October, 1955.

Public Opinion, Pressure Groups, and Voting Behavior. [Various Articles.] *British Journal of Sociology.* June, 1955.

Reid, Ira deA. Social Protest: Cue and Catharsis. *Phylon.* Second Quarter, 1955.

Religion and Science. [Various Articles.] *Hibbert Journal.* October, 1955.

Reynold, Gonzague de. Is Democracy Possible? *Dublin Review.* Third Quarter, 1955.

Riber, Lorenzo. Humanistas y Cristianos. *Boletin de la Real Academia Española.* January–April, 1955.

Röpke, Wilhelm. Der Wohlfahrtsstaat im Kreuzfeuer der Kritik. *Universitas.* September, 1955.

Rosenberg, Harold. Couch Liberalism and the Guilty Past. *Dissent*. Autumn, 1955.

Rougemont, Denis de. L'Aventure Technique. *Preuves*. October, 1955.

Samuel, Edwin. State and Religion in Israel. *Political Quarterly*. October–December, 1955.

Schmitt, Carl. La Tensión Planetaria entre Oriente y Occidente y la Opposción entre Tierra y Mar. *Revista de Estudios Políticos*. May-June, 1955.

Schnitzer, Ewald W. German Geopolitics Revisited. *Journal of Politics*. August, 1955.

Schultze, B. Il Senso della Storia nel Pensiero Russo. *La Civiltà Cattolica*. August 20, 1955.

Schulz, Klaus-Peter. Der Demokratische Sozialismus in Europa. *Dokumente*. June, 1955.

Schwartz, Benjamin. On the "Originality" of Mao Tse-tung. *Foreign Affairs*. October, 1955.

Scoppola, Pietro. Le Parti Catholique. *Esprit*. September–October, 1955.

Segre, Umberto, Le Parti Socialiste Italien. *Esprit*. September–October, 1955.

Seton-Watson, Hugh. The Intellectuals: Russia. *Encounter*. September, 1955.

Smith, T. V. Is there a Gresham's Law in Politics? *Western Political Quarterly*. September, 1955.

Solo, Robert. Prediction, Projection, and Social Prognosis. *Journal of Philosophy*. August 18, 1955.

Spiegel, Henry W. Theories of Economic Development. *Journal of the History of Ideas*. October, 1955.

Srivastava, G. P. Communism: Its Programme and Prospects in India. *Indian Journal of Political Science*. January–March, 1955.

Stearns, Raymond P. A Plea for Political History. *Review of Politics*. October, 1955.

Steibel, Gerald L. John Dewey and the Belief in Communication. *Antioch Review*. Fall, 1955.

Struve, G. Chekhov in Communist Censorship. *Slavonic and East European Review*. June, 1955.

Taborsky, Edward. The Struggle for Stalin's Heritage. *Southwestern Social Science Quarterly*. September, 1955.

Toulmin, S. E. Is There a Fundamental Problem in Ethics? *Australasian Journal of Philosophy*. May, 1955.

Ubbelohde, A. R. Towards Tektopia. *Twentieth Century*. September, 1955.

Ulam. Adam B. The Historical Role of Marxism and the Soviet System. *World Politics*. October, 1955.

Venturini, Riccardo. Le Operi di Antonio Gramsci. *Rassegna di Filosofia*. January–March, 1955.

Viereck, Peter. The Conservative Case against McCarthyism. *Pacific Spectator*. Summer, 1955.

Viereck, Peter. Symbolism of the New Xenophobia. *Southwest Review*. Autumn, 1955.

Wagner de Reyna, Alberto. Mito y Misterio. *Philosophia* (Argentina). No. 19, 1954.

Wall, Ernest. Simone Weil and Metapolitics. *Religion in Life*. Summer, 1955.

Ward, Leo R. The American Rural Value Pattern. *Review of Politics*. July, 1955.

Weber, Eugen. Garrison State or Concentration Camp? *University of Toronto Quarterly*. October, 1955.

Weigel, Gustave. Protestantism as a Catholic Concern. *Theological Studies*. June, 1955.

Weil, E. Pensée Dialectique et Politique. *Revue de Métaphysique et de Morale*. January–June, 1955.

Weil, E. Religion and Politics. *Confluence*. July, 1955.

Wiese, Leopold V. Soziale Determinismen und Menschliches Freihert. *Kyklos*. VMI/2. 1955.

Wilks, Ivor. A Note on Sovereignty. *Philosophical Quarterly*. October, 1955.

Wilson, Francis G. Public Opinion and the Middle Class. *Review of Politics*. October, 1955.

Wright, David McCord. Adventure or Routine. *Harvard Business Review*. September–October, 1955.

Wu, J. C. H. Christ in Common Law. *Catholic World*. November, 1955.

Zinkin, Taya. Nehruism: India's Revolution Without Fear. *Pacific Affairs*. September, 1955.

Zoberi, Z. A. Lenin and the Freedom Movement in Viet-Nam. *Contemporary Review*. October, 1955.

SELECTED ARTICLES AND DOCUMENTS ON

METHODOLOGY AND RESEARCH IN THE SOCIAL SCIENCES

HERBERT A. SIMON
Carnegie Institute of Technology

Philosophy of Social Science

Cantril, Hadley. Ethical Relativity from the Transactional Point of View. *Journal of Philosophy*. November 10, 1955.

Glaser, William A. The Types and Uses of Political Theory. *Social Research*. Autumn, 1955.

Kluckhohn, Clyde. Ethical Relativity: Sic et Non. *Journal of Philosophy*. November 10, 1955.

Northrop, F. S. C. Ethical Relativism in the Light of Recent Legal Science. *Journal of Philosophy*. November 10, 1955.

Oppenheim, Felix E. In Defense of Relativism. *Western Political Quarterly*. September, 1955.

Research Methods and Organization

Alpert, Harry. The Social Sciences and the National Science Foundation. *American Sociological Review*. December, 1955.

Lee, Alfred McClung. The Clinical Study of Society. *American Sociological Review*. December, 1955.

Lundberg, George A. The Natural Science Trend in Sociology. *American Journal of Sociology*. November, 1955.

Stigler, George J. The Nature and Role of Originality in Scientific Progress. *Economica*. November, 1955.

Motivation and Personality

Diesing, Paul. Noneconomic Decision-Making. *Ethics*. October, 1955.

Floro, George K. Continuity in City-Manager Careers. *American Journal of Sociology*. November, 1955.

Kerckhoff, Alan C. and McCormick, Thomas C. Marginal Status and Marginal Personality. *Social Forces*. October, 1955.

Lasswell, Harold D. Current Studies of the Decision Process: Automation versus Creativity. *Western Political Quarterly*. September, 1955.

Leavitt, Harold J.; Hax, Herbert; and Roche, James H. "Authoritarianism" and Agreement with Things Authoritative. *Journal of Psychology*. October, 1955.

Miner, J. B. and Culver, J. E. Some Aspects of the Executive Personality. *Journal of Applied Psychology*. October, 1955.

Sarbin, Theodore and Jones, Donal S. The Assessment of Role-Expectations in the Selection of Supervisory Personnel. *Educational and Psychological Measurement*. Autumn. 1955.

Siegel, Bernard J. High Anxiety Levels and Cultural Integration. *Social Forces*. October, 1955.

Opinions and Attitudes

Brayfield, Arthur H. and Crockett, Walter H. Employee Attitudes and Employee Performance. *Psychological Bulletin*. September, 1955.

Gold, David. The Statistical Lie Detector: an Application to Possibly Evasive Responses in a Voting Behavior Study. *American Sociological Review*. October, 1955.

Kelly, Harold H. Salience of Membership and Resistance to Change of Group-Anchored Attitudes. *Human Relations*. August, 1955.

Wagman, Morton. Attitude Change and Authoritarian Personality. *Journal of Psychology*. July, 1955.

Weiss, Walter and Fine, Bernard J. Opinion Change as a Function of Some Intrapersonal Attributes of the Communicatees. *Journal of Abnormal and Social Psychology*. September, 1955.

Group Behavior, General

Bennett, Edith Becker. Discussion, Decision, Commitment and Consensus in "Group Decision." *Human Relations*. August, 1955.

Block, Jack and Bennett, Lillian. The Assessment of Communication. *Human Relations*. August, 1955.

Gibb, Cecil A. Classroom Behavior of the College Teacher. *Educational and Psychological Measurement*. Autumn, 1955.

Holmberg, Allan R. Participant Intervention in the Field. *Human Organization*. Spring, 1955.

Kriesberg, Louis. Occupational Controls among Steel Distributors. *American Journal of Sociology*. November, 1955.

Landsberger, Henry A. Interaction Process Analysis of Professional Behavior: A Study of Labor Mediators in Twelve Labor-Management Disputes. *American Sociological Review*. October, 1955.

Medalia, Nahum Z. Authoritarianisn, Leader Acceptance and Group Cohesion. *Journal of Abnormal and Social Psychology*. September, 1955.

Pepitone, Albert and Reichling, George. Group Cohesiveness and the Expression of Hostility. *Human Relations*. August, 1955.

Rosenberg, Seymour; Erlick, Dwight E.; and Berkowitz, Leonard. Some Effects of Varying Combinations of Group Members on Group Performance Measures and Leadership Behaviors. *Journal of Abnormal and Social Psychology*. September, 1955.

Sagi, Philip C.; Olmsted, Donald W.; and Atelsek, Frank. Predicting Maintenance of Membership in Small Groups. *Journal of Abnormal and Social Psychology*. September, 1955.

Organizational Behavior

Comrey, Andrew L.; High, Wallace S.; and Goldberg, Lisbeth L. Factored Dimensions of Organizational Behavior I. Field Service Workers. *Educational and Psychological Measurement*. Autumn, 1955.

Fiedler, Fred E. The Influence of Leader-Keymen Relations on Combat Crew Effectiveness. *Journal of Abnormal and Social Psychology*. September, 1955.

Hetzler, Stanley A. Variations in Role-Playing Patterns among Different Echelons of Bureaucratic Leaders. *American Sociological Review*. December, 1955.

Lawrence, L. C. and Smith, P. C. Group Decision and Employee Participation. *Journal of Applied Psychology*. October, 1955.

Seligman, Lester G. Developments in the Presidency and the Conception of Presidential Leadership. *American Sociological Review*. December, 1955.

Sofer, Cyril. Reactions to Administrative Change. *Human Relations*. August, 1955.

Suojanen, Waino. W. The Span of Control—Fact or Fable? *Advanced Management*. November, 1955.

Turner, Arthur N. Interaction and Sentiment in the Foreman-Worker Relationship. *Human Organization*. Spring, 1955.

Weiss, R. S. and Jacobson, E. The Structure of Complex Organizations. *American Sociological Review*. December, 1955.

Voting Behavior

Eulau, Heinz. Class Identification and Projection in Voting Behavior. *Western Political Quarterly*. September, 1955.

MacRae, Duncan Jr. Some Underlying Variables in Legislative Roll Call Votes. *Public Opinion Quarterly*. Summer, 1954.

Culture and Institutions

Bernard, Jessie. Dimensions and Axes of Supreme Court Decisions. *Social Forces*. October, 1955.

Dynes, Russell R. Church-Sect Typology and Socio-Economic Status. *American Sociological Review*. October, 1955.

Estey, Marten S. The Strategic Alliance as a Factor in Union Growth. *Industrial and Labor Relations Review*. October, 1955.

Gusfield, Joseph R. Social Structure and Moral Reform: A Study of the WCTU. *American Journal of Sociology*. November, 1955.

Haer, John L. The Classification Technique of Warner and Centers. *American Sociological Review*. December, 1955.

Haer, John L. A Test of the Unidimensionality of the Index of Status Characteristics. *Social Forces*. October, 1955.

Kimball, Solon T. and Pearsall, Marion. Event Analysis as an Approach to Community Study. *Social Forces*. October, 1955.

Moore, Barrington Jr. Notes on the Process of Acquiring Power. *World Politics*. October, 1955.

Schlesinger, Lawrence E. Prediction of Newspaper Bias. *Journal of Social Psychology*. August, 1955.

Slotkin, J. S. Culture and Psychopathology. *Journal of Abnormal and Social Psychology*. September, 1955.

Value Theory and Social Policy

Higgins, Benjamin. Economic Development of Underdeveloped Areas: Past and Present. *Land Economics*. August, 1955.

Kerr, Clark; Harbison, Frederick H.; Dunlop, John T.; and Myers, Charles A. The Labour Problem in Economic Development. *International Labour Review*. March, 1955.

Matson, Floyd W. Social Welfare and Personal Liberty: The Problem of Casework. *Social Research*. Autumn, 1955.

OTHER BOOKS RECEIVED

Abbott, Lawrence. *Quality and Competition: An Essay in Economic Theory.* New York: Columbia University Press. 1955. Pp. ix, 229. $3.75.

Abrams, Charles. *Forbidden Neighbors: A Study of Prejudice in Housing.* New York: Harper & Brothers. 1955. Pp. xi, 403. $5.00.

Alton, Thad Paul. *Polish Postwar Economy.* New York: Columbia University Press. 1955. Pp. xv, 330. $5.75.

L'Année Politique, 1954. Paris: Presses Universitaires de France. 1955. Pp. xv, 706.

Arze, Walter Guevara. *Plan Inmediato de Política Económica del Gobierno de la Revolución Nacional.* La Paz, Bolivia: Universidad Mayor de "San Andres." 1955. Pp. 135.

Atamian, Sarkis. *The Armenian Community: The Historical Development of a Social and Ideological Conflict.* New York: Philsophical Library. 1955. Pp. 479. $4.75.

Babitsky, Paul and Rimberg, John. *The Soviet Film Industry.* New York: Frederick A. Praeger. 1955. Pp. xi, 377. $5.50.

Beckwith, Burnham Putnam. *Marginal-Cost Price-Output Control: A Critical History and Restatement of the Theory.* New York: Columbia University Press. 1955. Pp. viii, 283. $5.75.

Belov, Fedor. *The History of a Soviet Collective Farm.* New York: Frederick A. Praeger. 1955. Pp. xiii, 237. $5.50.

Bonifačić, Antun F. and Mihanovich, Clement S. (Eds.). *The Croatian Nation in Its Struggle for Freedom and Independence.* Chicago: "Croatia" Cultural Publishing Center. 1955. Pp. xvi, 441.

Brown, Harry Gunnison, Buttenheim, Harold S., Cornick, Philip H. and Hoover, Glenn E. (eds.). *Land-Value Taxation around the World.* New York: Robert Schalkenbach Foundation. 1955. Pp. vii, 216. $3.00.

Butler, Ewan. *City Divided: Berlin, 1955.* New York: Frederick A. Praeger. 1955. Pp. 187. $3.95.

The 1950 Censuses—How They Were Taken. Washington, D. C.: U. S. Department of Commerce, The Bureau of the Census. 1955. Pp. vii, 222.

Chamberlain, Neil W. *A General Theory of Economic Process.* New York: Harper & Brothers. 1955. Pp. viii, 370. $5.00.

Clay, Henry (ed.). *The Inter-War Years and Other Papers: A Selection from the Writings of Hubert Douglass Henderson.* Oxford: Clarendon Press. 1955. Pp. xxviii, 434. 42s.

Corti, Egon Caesar Conte. Translated by Hodgson, E. M. *Alexander Von Battenberg.* London: Cassell & Co., Ltd. 1954. Pp. x, 319. $4.80.

Curtin, Philip D. *Two Jamaicas: The Role of Ideas in a Tropical Colony, 1830–1865.* Cambridge, Mass.: Harvard University Press. 1955. Pp. xii, 270. $4.75.

Davidson, Henry A. *Handbook of Parliamentary Procedure.* New York: The Ronald Press Co. 1955. Pp. xviii, 292. $3.75.

Dickinson, Joccelyne Gledhill. *The Congress of Arras, 1435: A Study in Medieval Diplomacy.* Oxford: Clarendon Press. 1955. Pp. xxii, 266. $6.75.

Dornbusch, Sanford M. and Schmid, Calvin F. *A Primer of Social Statistics.* New York, Toronto, and London: McGraw-Hill Book Co., Inc. 1955. Pp. vii, 251.

de Gaulle, Charles. *War Memoirs: The Call to Honour, 1940–1942.* New York: The Viking Press. 1955. Pp. viii, 319. $5.00.

Ebersole, Luke. *American Society: An Introductory Analysis.* New York, Toronto, and London: McGraw-Hill Book Co., Inc. 1955. Pp. x, 510. $5.50.

Edel, Abraham. *Ethical Judgment: The Use of Science in Ethics.* Glencoe, Illinois: The Free Press. 1955. Pp. 339. $5.00.

Faris, Robert E. L. *Social Disorganization.* New York: The Ronald Press Co. 2nd ed. 1955. Pp. viii, 652. $5.50.

Fiore, Michele. *Welfare of Nations.* New York: Philosophical Library. 1955. Pp. 708. $6.00.

Fishwick, Marshall W. *American Heroes: Myth and Reality.* Washington, D. C.; Public Affairs Press. 1954. Pp. viii, 242. $3.75.

Foster, William Z. *History of the Three Internationals: The World Socialist and Communist Movements from 1848 to the Present.* New York: International Publishers. 1955. Pp. 580. $6.00.

Gascon, Antonio. *La Cooperación y las Cooperativas (Iniciación a su Estudio).* Madrid: Cosana. 1954. Pp. 333.

Gavin, Catherine. *Liberated France.* New York: St. Martin's Press. 1955. Pp. 292. $5.00.

Glaser, Abram. *This World of Ours.* New York: Philosophical Library. 1955. Pp. xiii, 492. $5.00.

Graebner, Norman A. *Empire on the Pacific: A Study in American Continental Expansion.*

New York: The Ronald Press Company. 1955. Pp. ix, 278. $4.50.

Green, V. H. H. *The Later Plantagenets: A Survey of English History between 1307 and 1485.* London: Edward Arnold, Ltd. 1955. Pp. 438. $4.00.

Hagman, Harlan L. and Schwartz, Alfred. *Administration in Profile for School Executives.* New York: Harper & Brothers. 1955. Pp. xiv, 315. $3.50.

Hall, D. G. E. *A History of South-East Asia.* New York: St. Martin's Press, Inc. 1955. Pp. 807. $10.00.

A Handbook on State and Local Taxes. Washington, D. C.: Congress of Industrial Organizations. Pp. 143. $3.00.

Hanks, Stedman Shumway with comments by Hanks, Helen Chappell. *Frontiers Are Not Borders.* New York: Coward-McCann, Inc. 1955. Pp. 61. $2.00.

Hausdorff, Karl (ed.). *Unser Schlesien.* Stuttgart: Karl Mayer. 1954. Pp. 432.

Hockett, Homer Carey. *The Critical Method in Historical Research and Writing.* New York: The Macmillan Co. 1955. Pp. xv, 330. $5.00.

Humlum, Johannes. *Atlas of Economic Geography.* London: Meiklejohn & Son., Ltd. 1955. Pp. xii, 126. $2.50.

Humphrey, Don D. *American Imports.* New York: The Twentieth Century Fund. 1955. Pp. xviii, 546. $6.00.

Ingram, Kenneth. *History of the Cold War.* New York: Philosophical Library. 1955. Pp. 239. $5.00.

Jordan, Weymouth T. *George Washington Campbell of Tennessee: Western Statesman.* Tallahassee: Florida State University. 1955. Pp. x, 214. $3.50.

Keen, Benjamin (ed.). *Readings in Latin-American Civilization, 1492 to the Present.* Boston: Houghton Mifflin Co.; Cambridge, Mass.: The Riverside Press. 1955. Pp. ix, 477. $3.60.

Kirk, George E. *A Short History of the Middle East: From the Rise of Islam to Modern Times.* New York: Frederick A. Praeger. 1955. Pp. 292. $4.50.

Kirk, Grayson (intro. by), Ketchum, Richard M. (ed.), Anderson, Will (art dir.), and Traurig, Ruth (pic. ed.). *What Is Communism?* New York: E. P. Dutton & Co., Inc. 1955. Pp. 191. $2.95.

Kirk, Grayson (intro. by), Ketchum, Richard M. (ed.), Anderson, Will (art dir.), and Traurig, Ruth (pic. ed.). *What Is Democracy?* New York: E. P. Dutton & Co., Inc. 1955. Pp. 191. $2.95.

Koestler, Arthur. *The Trail of the Dinosaur and Other Essays.* New York: The Macmillan Co. 1955. Pp. viii, 253. $3.50.

Kuhn, Walter. *Siedlungsgeschichte Oberschlesiens.* Würzburg, Germany: Oberschlesischer Heimatverlag GMBH. 1954. Pp. 395.

Kukiel, M. *Czartoryski and European Unity, 1770–1861.* Princeton: Princeton University Press. 1955. Pp. xvii, 322. $6.00.

Kuznets, Simon, Moore, Wilbert E., and Spengler, Joseph J. (eds.). *Economic Growth: Brazil, India, Japan.* Durham, N. C.: Duke University Press. 1955. Pp. xi, 613. $12.50.

Labor Research Association (prepared by). *Labor Fact Book 12.* New York: International Publishers. 1955. Pp. 160. $2.50.

Lamont, Corliss. *Soviet Civilization.* New York: Philosophical Library. 2nd ed. 1955. Pp. xxx, 447. $5.00.

Larrowe, Charles P. *Shape-Up and Hiring Hall: A Comparison of Hiring Methods and Labor Relations on the New York and Seattle Waterfronts.* Berkeley and Los Angeles: University of California Press. 1955. Pp. ix, 250. $4.50.

Larson, Arthur. *Know Your Social Security.* New York: Harper & Brothers. 1955. Pp. xvi, 220. $2.95.

Lentz, Theo. F. *Towards a Science of Peace: Turning Point in Human Destiny.* New York: Bookman Associates, Inc. 1955. Pp. xiii, 194. $3.00.

Lindholm, Richard W. *Introduction to Fiscal Policy.* New York, Toronto, and London: Pitman Publishing Corporation. 2nd ed. 1955. Pp. xiv, 242. $4.00.

Locke, William N. and Booth, A. Donald (eds.). *Machine Translation of Languages: Fourteen Essays.* Cambridge, Mass.: The Technology Press of The Massachusetts Institute of Technology; New York: John Wiley & Sons, Inc. 1955. Pp. xii, 243. $6.00.

Lopez, Robert S. and Raymond, Irving W. *Medieval Trade in the Mediterranean World: Illustrative Documents Translated with Introductions and Notes.* New York: Columbia University Press. 1955. Pp. xi, 426. $6.75.

Mallory, Walter H. (ed.) *Political Handbook of the World: Parliaments, Parties and Press as of January 1, 1955.* New York: Harper & Brothers. 1955. Pp. 229. $3.75.

Mandel, Bernard. *Labor: Free and Slave. Workingmen and the Anti-Slavery Movement in the United States.* New York: Associated

Authors. 1955. Pp. 255. $3.00.

Marshall, Wythe, Blackstone: Commemoration Ceremonies. Williamsburg, Va.: College of William and Mary. 1954. Pp. 119.

MAURER, HERRYMON. *Great Enterprise: Growth and Behavior of the Big Corporation.* New York: The Macmillan Co. 1955. Pp. viii, 303. $5.00.

MENDERSHAUSEN, HORST. *Two Postwar Recoveries of the German Economy.* Amsterdam: North-Holland Publishing Co. 1955. Pp. 128. $3.25.

MILLER, HERMAN P. *Income of the American People.* New York: John Wiley & Sons, Inc.; London: Chapman & Hall, Ltd. 1955. Pp. xvi, 206. $5.50.

MUMFORD, LEWIS; NIEBUHR, REINHOLD; BOWLES, CHESTER; THOMAS, NORMAN; KOHN, HANS; DE MADARIAGO, SALVADOR; RIEFF, PHILIP; KARPOVICH, MICHAEL; RABINOWITCH, EUGENE; HARRIMAN, W. AVERELL; AND SHUB, ANATOLE (ED.). *Alternatives to the H-Bomb.* Boston: The Beacon Press. 1955. Pp. 124. $1.00.

NEVIN, EDWARD. *The Mechanism of Cheap Money: A Study of British Monetary Policy, 1931–1939.* Cardiff: University of Wales Press. 1955. Pp. xiii, 350. 25s.

NEWMAN, EDWIN S. (SELECTED AND EDITED BY). *The Freedom Reader.* New York: Oceana Publications. Docket Series, Vol. 2. 1955. Pp. 256. $1.00.

PALMER, CHARLES F. *Adventures of a Slum Fighter.* Atlanta, Ga.: Tupper and Love, Inc. 1955. Pp. xi, 272. $4.00.

PERKINS, BRADFORD. *The First Rapprochement: England and the United States, 1795–1805.* Philadelphia: University of Pennsylvania Press. 1955. Pp. xii, 257. $5.00.

PHELPS, ORME W. *Introduction to Labor Economics.* New York, Toronto, and London: McGraw-Hill Book Co. 2nd ed. 1955. Pp. xiv, 547. $6.50.

RECKLESS, WALTER C. *The Crime Problem.* New York: Appleton-Century-Crofts, Inc. 2nd ed. 1955. Pp. x, 728. $6.50.

RICH, NORMAN AND FISHER, M. H. (EDS.). *The Holstein Papers. Volume I: Memoirs and Political Observations.* Cambridge: Cambridge University Press. 1955. Pp. xxvii, 216. $5.00.)

ROWSE, A. L. *The Expansion of Elizabethan England.* New York: St. Martin's Press. 1955. Pp. xiii, 450. $5.75.

RYAN, ALVAN S. (ED.). *The Brownson Reader.* New York: P. J. Kenedy & Sons. 1955. Pp. xii, 370. $4.50.

SCHUYLER, JACK (ED.). *International Labor Directory and Handbook, 1955.* New York: Frederick A. Praeger. 1955. Pp. xix, 1043. $25.00.

Selected Studies of Negro Employment in the South. Washington, D. C.: National Planning Association. 1955. Pp. x, 483. $5.50.

SMITH, HOWARD R. *Economic History of the United States.* New York: The Ronald Press Co. 1955. Pp. x, 763. $6.00.

SMITH. LOIS ELWYN. *Mexico and the Spanish Republicans.* Berkeley and Los Angeles: University of California Press. 1955. Pp. i–vi, 165–316. $1.75.

SPRADING, CHARLES T. *Real Freedom.* Los Angeles: Sadie L. Cook. 1955. Pp. 102. $2.00.

SPRADING, CHARLES T. *The World State Craze.* Los Angeles: Sadie L. Cook. 1955. Pp. 109. $2.00.

Statistical Abstract of the United States, 1955. Washington, D. C.: U. S. Government Printing Office. 1955. Pp. xvi, 1048.

STELZER, IRWIN M. *Selected Antitrust Cases: Landmark Decisions in Federal Antitrust.* Homewood, Ill.: Richard D. Irwin, Inc. 1955. Pp. x, 210. $3.50.

STRODE, HUDSON. *Jefferson Davis: American Patriot, 1808–1861.* New York: Harcourt, Brace and Co. 1955. Pp. xx, 460. $6.75.

SWANSON, ERNST W. AND GRIFFIN, JOHN A. (EDS.); MACLACHLAN, JOHN M., PIERCE, TRUMAN M. AND ASSOCIATES, AND SWANSON, ERNST W. (BASED ON STUDIES BY). *Public Education in the South Today and Tomorrow: A Statistical Survey.* Chapel Hill, N. C.: The University of North Carolina Press. 1955. Pp. xiv, 137. $5.00.

TARSHIS, LORIE. *Introduction to International Trade and Finance.* New York: John Wiley & Sons, Inc. 1955. Pp. x, 536. $6.00.

THISTLETHWAITE, FRANK. *The Great Experiment: An Introduction to the History of the American People.* New York: Cambridge University Press. 1955. Pp. xiv, 335. $5.00.

TOTAH, KHALIL. *Dynamite in the Middle East.* New York: Philosophical Library. 1955. Pp. ix, 240. $3.75.

WALLICH, HENRY C. *Mainsprings of the German Revival.* New Haven, Conn.: Yale University Press. 1955. Pp. xi, 401. $4.50.

WHEELER, SIR MORTIMER. *Rome beyond the Imperial Frontiers.* New York: Philosophical Library. 1955. Pp. xii, 192. $7.50.

WILBER, DONALD N. *Iran: Past and Present.* Princeton, New Jersey: Princeton University Press. 1955. Pp. xi, 276. $4.00.

NEWS AND NOTES

PROFESSIONAL CONFERENCES

1956 ANNUAL MEETING OF THE ASSOCIATION

The 1956 Annual Meeting of The American Political Science Association will be held September 6–8, 1956, in Washington, D.C. The Chairman of the Program Committee is Professor Earl Latham, of Amherst College; the Chairman of the Committee on Local Arrangements is The Reverend James B. Horigan, S.J., of Georgetown University.

The twenty-seventh annual meeting of the Southern Political Science Association was held at the Atlanta Biltmore Hotel in Atlanta, Georgia, November 3–5, 1955. Approximately 104 persons were registered as attending the meeting. Panel discussions were devoted to the following topics: "The Second Hoover Commission," "The Conservative Renascence," "The Role of the Political Scientist in the Classroom," "Emerging Political Entities in Non-European Areas and Their Impact on World Politics," "The Contemporary Currents in Electoral Reform," "Atomic Energy: Public Policy and Political Science," "Trends in Federal-State Relations," "The Development of American Foreign Policy," "Government in Metropolitan Areas." The presidential address was delivered by Manning J. Dauer, and Evron Kirkpatrick addressed the meeting as the representative of the American Political Science Association. John J. Bebout, Assistant Director of the National Municipal League, addressed a luncheon meeting on "Agenda for American Federalism." The following officers were elected for the ensuing year: Carl B. Swisher, Johns Hopkins University, president; Alexander Heard, University of North Carolina, vice-president; Arthur B. Dugan, University of the South, recording secretary; Wallace Mendelsohn, University of Tennessee, Vincent Thursby, Florida State University, and Amry Vandenbosch, University of Kentucky, members of the executive council. Lee S. Greene, of the University of Tennessee, was elected editor of the *Journal of Politics* for a three-year term.

The second annual conference of the District of Columbia Political Science Association (DCPSA) was held on December 3, 1955, in the Hall of Government of George Washington University. The theme of the conference was "Policy Problems—1956." The general session was addressed by Francis O. Wilcox, Assistant Secretary of State and a past president of DCPSA; he spoke on "The Future of the United Nations." Six round tables dealt with the following topics: "The Kestnbaum Commission Report"; "Conflict of Interest—Is a Fresh Approach Needed?"; "Planning Ahead for National Party Conventions"; "The Hoover Commission Report"; "Agricultural Policy Problems—1956"; "Judicial Policy Problems—1956." Among the round table participants were Earl Butz, Assistant Secretary of Agriculture; Adrian S. Fisher, former legal adviser of AEC and of the State Department; Warren J. Madden, Judge, United States Court of Claims; Edwin G. Nourse, former Chairman of the Council of Economic Advisers; Robert Ramspeck, former Chairman of the U. S. Civil Service Commission; Tracy S. Voorhees, former Under Secretary of the Army; and Roger H. Wells, Chairman, Political Science Department of Bryn Mawr College.

Officers elected for the following year are: president, William H. Roberts, Catholic University of America; first vice-president, G. Lyle Belsley, Federal Civil Defense Administration; second vice-president, Howard R. Penniman, United States Information Agency. Additional executive committee members are: Don L. Bowen, University of Maryland; Jarold A. Kieffer, Executive Office of the President; S. McKee Rosen, International Cooperation Administration. Secretary-Treasurer: William B. Welsh, Legislative Assistant to Senator Herbert H. Lehman.

On January 31, 1956, DCPSA held its first meeting of the current year in the Lounge of the Brookings Institution. The topic of the evening was "Legislative Programming"; the panel consisted of Lloyd W. Jones, Staff Director, Republican Policy Committee—United States Senate; William Pincus, Associate General Counsel, House Committee on Government Operations; George E. Reedy, Staff Adviser, Democratic Policy Committee—United States Senate.

The Midwest Conference of Political Scientists will hold its annual meeting on the campus of Marquette University, May 3–5, 1956. Inquiries concerning the schedule, program, housing, or other arrangements may be addressed to the office of the secretary-treasurer at Drake University, Des Moines, Iowa.

On December 29, 1955 in Atlanta the American Association for the Advancement of Science in co-sponsorship with the Southern Political Science Association devoted a program to "Political Trends in the South." Lynwood M. Holland, Emory University, presided. Lee S. Greene, University of Tennessee, discussed "The Decision-Making Structure in Southern Politics" and Jasper B. Shannon, of the University of Kentucky, dealt with "Southern Sectionalism and National Politics."

A two-day Conference on Political Theory was held at the University of Minnesota under the auspices of the department of political science and the Center for International Relations and Area Studies. The topic of the Conference was "The Role of Theory in the Study of Politics." Benjamin E. Lippincott acted as chairman. The speakers and their topics were as follows: William Anderson: "Scope and Methods of Political Science"; G. E. C. Catlin: "What Is Political Theory and Its Practical Significance?"; David Cooperman: "Meaning in Political Theory"; B. E. Lippincott: "Future Prospects for Political Theory"; Ralph G. Ross: "Fact, Law and Theory in Political Science"; and Mulford Sibley: "The Classics in the Study of Politics."

The Midwest Institute of International Affairs of Grinnell College and the Iowa Association for the United Nations conducted a conference on Latin American-United States problems November 10–12, 1955. Included among the speakers were: Victor Andrade, Ambassador of Bolivia; John C. Drier, United States Ambassador to the O.A.S.; Joseph Dunner, chairman of the department of political science, Grinnell College; Fernando Fournier, Ambassador of Costa Rica; Bourke Hickenlooper, United States Senate; Eberaldo Machado, Cultural Attaché of Brazil; and Rafael Aveleyra, Minister Plenipotentiary of Mexico. The Midwest Institute plans a similar conference on the specialized agencies of the United Nations April 26–28, 1956 on the campus of Grinnell College.

The Tenth Congress of the International Institute of Administrative Sciences will be held in Madrid, Spain from September 3–8, 1956. The three major subjects on the agenda of the Congress are as follows: "Contracts of Public Authorities for the Carrying-Out of Works"; "Present Tendencies in the Post-Entry Training of Higher Grade Civil Servants"; "A Study of Procedures for the Preparation and Implementation of Administrative Reforms." Further information can be obtained from Mr. Herbert Emmerich, chairman, United States Section, International Institute of Administrative Sciences, 1313 East 60th Street, Chicago 37, Illinois.

The American Association for Public Opinion Research will hold its annual conference on May 24 to 27, 1956 at Buck Hill Falls, Pennsylvania. The conference will include sessions on "Studies in Popular Culture," "Communications Theory and Opinion Research," "Determinants of Political Behavior," "Research in Medicine and Public Health," "Research on Academic Freedom and other Civil Liberties," and "American and Soviet Propaganda."

OTHER ACTIVITIES

The Southern California Political Science Association sent special greetings to William Bennett Munro, senior surviving president of the American Political Science Association, on the occasion of his 81st birthday. Professor Munro, now residing at Pasadena, California, joined the national association in its first year.

The Social Science Research Council is sponsoring a seven-week summer research training institute in current international affairs for scholars of postdoctoral or equivalent standing. Directed by John Gange, director of the Woodrow Wilson Department of Foreign Affairs of the University of Virginia, the institute will be held at the University of Denver for the period June 11-July 27, 1956. Staff members will be drawn from the Center of International Studies, Princeton University; Center for International Studies, Massachusetts Institute of Technology; Institute of War and Peace Studies, Columbia University; and the Rand Corporation.

Duke University's department of political science will sponsor the Third Annual Program in Japanese Civilization during the 1956 summer session. The program is financed by grants from the Japan Society and the Asia Foundation. Ten scholarships of $200 each will be awarded to teachers, professors, or journalists who have had no previous training in Asian affairs. Applications should be sent to the Summer Session, Duke University.

The Survey Research Center of the University of Michigan will hold its Annual Summer Institute in Survey Research Techniques for the ninth consecutive year. The regular session of the Institute will be held from July 23 to August 18, with an introductory session from June 25 to July 20, 1956. The Institute is designed to meet some of the educational and training needs of men and women engaged in business and governmental research or other statistical work, and graduate students and university instructors interested in quantitative research in the social sciences. Further information may be obtained by writing to the Survey Research Center, University of Michigan, Ann Arbor, Michigan.

San Diego State College has been authorized to grant the degree of Master of Science in Public Administration. The master's program will require the completion of 36 units, including a period of internship in a selected governmental agency in Southern California.

The National Council on Asian Affairs was organized last summer by a group of Philadelphia citizens interested in education about Asia. The first two programs of the Council are (1) the placement as teachers in elementary and secondary schools of Asian students now completing their work in this country who will be used to teach in their own fields of specialization and to be available for general school and community work concerning Asia, and (2) the encouragement of preparation of printed materials about Asia suitable for inclusion in existing school curricula. The officers of the Council are Norman D. Palmer, professor of political science, University of Pennsylvania, president; John F. Melby, executive-vice-president; and Elinor K. Wolf, secretary-treasurer.

The National Municipal League has announced that applications will be accepted for its fifth annual staff fellowship to be awarded to an established political scientist in the field of state and local government. The recipient will spend approximately one year in the League's office participating in all aspects of League activities. Applications for the 1956–57 fellowship must be received by March 1, 1956. Detailed information may be obtained from Alfred Willoughby, 47 East 68th Street, New York 21, N. Y.

Harvard University will begin a limited program for the advancement of Armenian studies and research at its Center for Middle Eastern Studies in the Fall of 1956.

The Institute of Government Committee on Publications, University of Utah, has assumed responsibility for editing and publishing the *Western Political Quarterly* following the resignation of Franz B. Schick as editor. The committee consists of Roy V. Peel, director of the Institute, Francis D. Wormuth, and Ellsworth E. Weaver.

On October 28, 1955 the department of government and politics and the Bureau of Governmental Research at the University of Maryland presented the first in a biannual seminar series of "Lectures on Public Affairs," concerned with problems of long-range significance. Delivering the inaugural paper was Dr. George B. Galloway, Senior Specialist in American Government at the Library of Congress. Dr. Galloway's paper was entitled "Congressional Reform Revisited." It is being published by the Bureau of Governmental Research.

A conference of the Central Region (Michigan, Ohio, Indiana, Illinois, Kentucky) of Pi Gamma Mu will be held April 14–15, 1956, at the Terre Haute State Teachers College. The theme will be "The Future of the Social Scientist." Robert V. Seltzer, department of political science, Terre Haute State Teachers College, and vice-chancellor of the Central Region, is in charge of the conference. Other political scientists in attendance will be W. Leon Godshall, Lehigh University, national president of Pi Gamma Mu, and Nacy W. McGee, North Central College, chancellor of the Central Region.

The Massachusetts Institute of Technology has recently established a Political Science Section to plan and coordinate teaching and research in this field at the Institute. Norman J. Padelford has been named chairman of the Section. Other senior members of the faculty joining in forming the Section include: Max Millikan, Karl Deutsch, and Ithiel Pool. The Section is organizing both an undergraduate and a graduate program of studies.

The Maurice and Laura Falk Foundation has granted an additional $45,000 to continue the Falk Fellowship Program at Yale University to the end of the academic year 1959–60.

The department of government at Indiana University has received a grant of $1,500 from the Woodrow Wilson Foundation for the purpose of organizing a centennial celebration honoring Wilson's birth. Outstanding Wilson scholars have been invited to the campus for the series of lectures and discussions during the Fall semester of 1956. The lectures will be published by the Indiana University Press.

The program of technical assistance in public administration by the Graduate School of Public Administration and Social Service of New York University with the University of Ankara and the Turkish government has completed the first half of its scheduled three-year contract under the International Cooperation Administration. Gisbert Flanz is head of the NYU group in Ankara, which includes Ernest Kurnow, Kenneth Redden, John Huston, Albert Gorvine, Russell Davy, Arthur Rocker, Anthony Lanza, and Edward Tutak. As part of the program, nine members of the University of Ankara faculties of law and political science are spending the academic year at New York University in study, observation, and research. The project is under the general direction of Dean William J. Ronan for New York University and Dean Bedri Gürsoy of the Faculty of Political Science and Dean Hikmet Belbez of the Faculty of Law of the University of Ankara.

Work is now progressing on the handbook of American election statistics which the Governmental Affairs Institute plans to bring out this spring. Financed by a grant from the Stern Family Fund, individual state sections of the handbook will present county-by-county vote totals and percentages for recent elections for president, governor, and senator. Ward-by-ward data will appear for the largest cities and a special tabulation of figures for each congressional district will be included. In addition to the material for the 48 states, the handbook will include figures for Alaska and Hawaii, summary tables, and ward and county outline maps. The project is under the supervision of Richard M. Scammon, Director of Elections Research for the Institute. Next year it is planned to bring out an international handbook of election figures as a companion volume to the American study.

Charles R. Adrian, assistant professor of political science at Michigan State University, was granted a leave of absence from January 1 to September 1, 1956, to serve as administrative assistant to the Governor of Michigan.

Charles S. Ascher, chairman of the political science department of Brooklyn College, has been appointed an associate director of the Institute of Public Administration to direct the extension of its international activities. Mr. Ascher has served for the past four years as associate director of the Public Administration Clearing House.

Thomas S. Barclay, Stanford University, was re-elected to the Senate of Phi Beta Kappa.

George S. Blair, educational associate of the Institute of Local and State Government and assistant professor, University of Pennsylvania, is serving as an instructor for a 28-week course in State Government and Public Administration for deputy department heads and bureau chiefs of the Commonwealth of Pennsylvania. The course was devised by James C. Charlesworth, Secretary of Administration of the Commonwealth, and the five sectional meetings conducted each week are attended by about 100 state officials.

John C. Bollens, University of California (Los Angeles), is spending the spring semester on leave in Chicago as research director of the Metropolitan Area Project of the Council of

State Governments, a project undertaken at the request of the Governors' Conference.

Howard Boorman, on leave from the State Department, will be executive director of Columbia University's project of Studies of Men and Politics in Modern China.

Ralph Braibanti, associate professor of political science at Duke University, lectured at the Army War College February 5–10, 1956, on Japan's role in Asia and served as consultant to the Study Group on Free East Asia.

Philip W. Buck, Stanford University, is spending the academic year 1955–56 in England doing research on a Ford Foundation grant.

Ardath W. Burks, Rutgers University, spent last summer as a research associate in the Center for Japanese Studies, University of Michigan.

Werner J. Cahnman, Executive Director of the Conference on Jewish Social Studies, spent the summer months in London, Vienna, and Jerusalem, on a research grant from the Conference on Material Claims against Germany. He lectured on European Nationalities and American Minorities at the Hochshule für Politische Wissenschaften in Munich, Germany, and at the School of Law and Economics in Haifa, Israel.

Robert W. Carnes, of the Wis. Department of Public Welfare, has joined the staff of the Bureau of Government of the University Extension Division of the University of Wisconsin to conduct an experimental course for police officers in handling juvenile offenders.

Brock Chisolm, formerly Director General of the World Health Organization, delivered the Patten Lectures at Indiana University during the Fall semester, 1955. His lecture series was entitled, "Can the Nations Learn to Learn?"

Cullen B. Gosnell, Emory University, is a member of the Essay Committee of Pi Sigma Alpha which will select the best essay submitted in 1955–56.

Heinz Guradze is giving courses in International Organization and American and English Government at the University of Cologne.

Jerry Kieffer, Special Assistant to the director of Defense Mobilization, is now also serving as Assistant to Meyer Kestnbaum, Special Assistant to President Eisenhower. The Kestnbaum office is coordinating executive branch review of the reports of the Commission on Organization of the Executive Branch and the Commission on Intergovernmental Relations.

Werner Levi, of the University of Minnesota, has returned from Australia, Malaya, Siam, and India where he did research on international relations and gave lectures at various universities.

Gerard J. Mangone, Swarthmore College, directed a research program of the Graduate Program of the Woodrow Wilson School of Public and International Affairs, Princeton University, first term 1955–56. The project was a study of the relationship of domestic interest groups to the United Nations and was specifically designed to fit into the larger study of attitudes toward the United Nations, presently being conducted by the Carnegie Endowment for International Peace.

Hubert Marshall is serving as Assistant director of the Stanford University Study of Undergraduate Education.

Thomas Patrick Melady, of the International Cooperation Administration, is serving with the United States advisory group to the Imperial Ethiopian government on questions of foreign trade and investments. He is also giving a series of lectures at the University College of Addis Ababa on "Fundamentals of Economic Development."

Hans J. Morgenthau, of the University of Chicago, spent the Fall quarter in Japan, Hong Kong, Vietnam, Cambodia, Thailand, and Pakistan. He lectured in Tokyo at the University of Tokyo, Waseda University, and at the Training Institute of the Japanese Foreign Office.

Norman D. Palmer, professor of political science at the University of Pennsylvania, has been appointed a member of the Committee on Institutional Projects Abroad of the American Council of Education. He participated in a conference on University Contracts Abroad held at Michigan State University on November 17–18, 1955 under the Committee's auspices.

Robert S. Rankin, chairman of the department of political science at Duke University, will be on sabbatical leave during the Spring semester, 1956.

Georg Romoser, Ph.D. candidate in the department of political science, University of Chicago, is spending the autumn and winter in Germany for dissertation research and as an assistant in the Seminar für Wissenschaftliche Politik, Freiburg University.

William J. Ronan, Dean of the Graduate School of Public Administration and Social Service of New York University, has been elected President of the Municipal Personnel Society of the City of New York. This is the first time that a person not employed by the City has been elected to the head of this organization, which is composed of personnel officers of the various City departments, City employees interested or active in personnel management, and members of faculties engaged in the teaching of municipal affairs or public administration.

Joseph S. Roucek, chairman of the department of sociology and political science at the University of Bridgeport, joined the editorial boards of the *Journal of Human Relations*, and *The Encyclopedia Picturama* (Harper Brothers *Encyclopedia*). He will spend the Spring on sabbatical leave in Europe, studying the comparative aspects of education in Yugoslavia. He has been invited to give lectures at several universities in Yugoslavia, Austria, Germany, and Holland.

Walter R. Sharp returned in September from a year's assignment with the United Nations Technical Assistance Administration as co-director of the Egyptian Institute of Public Administration in Cairo, and has resumed his duties as director of graduate studies in international relations at Yale University. He was recently appointed a representative of the International Political Science Association to the United Nations.

Richard C. Spencer, on sabbatical leave from Coe College during the second semester of 1955–56, is visiting the parliaments and parliamentary offices of several Northern and Western European governments.

Murray S. Stedman, Jr., department of political science, Swarthmore College, lectured during the month of January before the Seminar on American Studies at Salzburg.

H. Arthur Steiner, of the University of California at Los Angeles, will be on sabbatical leave in Asia during the Spring semester, 1956. He will be in Ceylon, Pakistan, and Burma from February to April, 1956, under the auspices of the Specialists Division of the International Educational Exchange Program of the Department of State. He will resume his teaching duties at Los Angeles in September, 1956.

John O. Stitely, associate professor of history and political science at the University of Rhode Island, will be on sabbatical leave during the second semester for research and writing on state government.

K. T. W. Swanson, assistant professor of public administration at the State College of Washington, was consultant to the Spokane County Planning Commission during the past summer.

John E. Stoner, of the University of Indiana, is chairman of the Indiana Highway for Survival Committee, a group of lay citizens interested in better highways in the State of Indiana.

Paul Studenski, of New York University, is serving as Resident Director of the Albany Graduate Program in Public Administration. The program, now in its ninth year, is cooperatively offered by the Graduate School of Public Administration and Social Service of New York University and the Maxwell Graduate School of Citizenship and Public Affairs of Syracuse University, with the cooperation of the State University of New York.

Carl Brent Swisher, Johns Hopkins University, gave the John Marshall Bicentennial Lecture at Fordham University. His address was entitled "Liberty and Authority under the Constitution."

John Vanderzell, Franklin and Marshall College, is absent on leave for the year 1955–56 to serve as Director of Research in the Bureau of Municipal Affairs of the Commonwealth of Pennsylvania. He will return for the 1956–57 term.

Robert A. Walker has returned to his teaching duties at Stanford University after spending the greater part of the previous academic year as visiting professor at the College of Europe in Bruges, Belgium.

James T. Watkins IV, Stanford University, was Director of the 32nd Institute of World Affairs at Riverside, California, in December, 1955. He is also serving as Chairman of the 12th Regional Committee for the Woodrow Wilson Fellowship Program.

Edward W. Weidner returned in January from seven months in Saigon to resume his duties in the political science department of Michigan State University. He served as Chief Adviser of the Michigan State University Mission to the Vietnamese government.

APPOINTMENTS AND STAFF CHANGES

Rene N. Ballard has been promoted to associate professor in political science at Knox College.

Edward C. Banfield has been appointed associate professor of political science at the University of Chicago. Mr. Banfield was formerly with the Committee on Planning at the University of Chicago.

Francis P. Brassor has been appointed to the faculty of the department of government and public administration at the American University as a professorial lecturer. He will teach in the field of government reorganization.

Dr. Adam C. Breckenridge, former chairman of the department of political science and administrative assistant to the chancellor, was elevated to the position of dean of faculties at the University of Nebraska.

Gordon K. Bryan, professor of government at Mississippi State College, was visiting professor of political science at Vanderbilt University during the summer of 1955.

Ardath W. Burks, Rutgers University, has been appointed visiting assistant professor of government at Columbia University for the Spring session, to give a course in the East Asian Institute.

Robert O. Byrd, who received his Ph.D. from the University of Chicago, September, 1955, has been named chairman of the department of political science and assistant professor of the history and science of government at Illinois Wesleyan University.

Professor Robert K. Carr has been appointed director of the Great Issues Course at Dartmouth College for the year commencing in February, 1956.

Professor Francis Coker, Yale University, will serve as visiting professor of political science at Duke University during the Spring semester, 1956.

Professor Robert Connery, Duke University, has been appointed associate director of the Metropolitan Area Study which is being financed by a grant from the Edgar B. Stern Family Fund.

Robert A. Dahl has been promoted to the Eugene Meyer professorship of political science at Yale University.

Herbert S. Dinerstein has been appointed to the faculty of the department of government and public administration of the American University as a lecturer on the Soviet system.

John C. Donovan, associate professor of government, Bates College, has been appointed chairman of the Maine Board of Arbitration and Conciliation by Governor Edmund S. Muskie.

David Easton has been promoted to professor of political science at the University of Chicago.

Mr. Albert C. Ettinger has been appointed instructor of political science at the University of Vermont.

John Gillespie has been appointed director of the Bureau of Government Research, University of Massachusetts. He was formerly training officer, Institute of Public Affairs, The University of Texas.

Kurt Glaser, formerly associated with the Governmental Affairs Institute and Records Engineering, Inc., will join the staff of the department of government and politics at the University of Maryland in the Spring semester.

Robert E. Goostree has been promoted to the rank of associate professor in government and public administration at the American University.

John Hallowell is on a sabbatical leave from Duke University this year. He is teaching at the University of Munich in Germany on a Fulbright appointment and is making a study of the political philosophy of the German Christian Democratic Union on a Guggenheim Fellowship.

Royce Hanson has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in American Government.

John G. Harkins was appointed a part-time instructor in political science at the University of Pennsylvania in September. Mr. Harkins is currently pursuing studies toward the law degree in the Law School of the University of Pennsylvania.

Robert Hattery joined the staff of the Bureau of Government at the University of Wisconsin, Extension Division in December, 1955. Mr. Hattery will be in charge of the Bureau's program of Citizen Education in World Affairs. A graduate of the University of Chicago, Mr. Hattery served on the staff of the Center for the Study of American Foreign Policy. He has also served as a discussion leader for the American Foundation for Political Education.

Richard H. Heindel, dean of the College of Arts and Sciences of the University of Buffalo, has been appointed Chairman of the University's Committee on University Planning and Development during the leave-of-absence of the Chancellor.

Morton A. Kaplan, Fellow at the Center for Advanced Study in the Behavioral Sciences, has accepted an appointment as assistant professor of political science at the University of Chicago, effective October, 1956.

Thomas Karis has been appointed to the aculty of the department of government and public administration of the American University as a lecturer in political theory.

James B. Kessler, assistant in the department of political science at Stanford University, has joined the faculty of the department of government at Indiana University for the second semester, 1955–56.

Alan G. Kirk was appointed a part-time instructor in political science at the University of Pennsylvania in September. Mr. Kirk is currently pursuing studies toward the law degree in the Law School of the University of Pennsylvania.

Henry A. Kissinger has been appointed a Research Associate of the Foreign Policy Research Institute of the University of Pennsylvania.

David W. Knepper, of the University of Houston, recently served on a special Citizen's City Charter Committee which proposed a successful revision of the city's charter. He has just been appointed to the statutory Harris County Home Rule Commission, which will sponsor a long-range study of the governmental structure of metropolitan Houston.

Samuel Krislov, formerly of the University of Vermont, has been appointed assistant professor at Hunter College.

Arthur P. Kruse has been advanced to the rank of associate professor, Far Eastern International Relations, Institutions, and History, at the Air University, Maxwell Field, Ala.

James L. Kunen has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in administrative law.

William F. Larsen, formerly of the faculty of the University of Florida, has been appointed associate professor of public administration at the New York University Graduate School of Public Administration and Social Service. He will also serve as project director for a graduate student field research team, working in close cooperation with the Mayor's Committee on a Quiet City.

Richard G. Lindblad, formerly of the University of Minnesota, has joined the department of political science at Illinois Wesleyan University.

Joseph D. Lubin, Ph.D. candidate in political science at the University of California and instructor of public administration for the University of California Extension, has been appointed Budget Director of Benicia Arsenal.

C. C Ludwig, director of the Municipal Reference Bureau at the University of Minnesota and executive secretary of the League of Minnesota Municipalities, is serving during the winter quarter as a consultant in local government on the staff of the Institute of Public Administration of the University of the Philippines.

Arthur W. Macmahon has been named executive director of Columbia University's new Committee on the Educational Future of the University.

David R. Matthis, formerly of Centenary College, has become assistant professor of government at West Texas State College.

Edward N. Megay has accepted an appointment as assistant professor of political science at the College of St. Thomas.

Irene M. Meister has been appointed Research Fellow of the Foreign Policy Research Institute of the University of Pennsylvania.

John F. Melby has become a lecturer on political science at the University of Pennsylvania. His availability in the Philadelphia area is a result of his assignment as executive vice-president of the National Council on Asian Affairs.

Eugene H. Miller, Ursinus College, will teach two courses in international law at Lehigh University during the spring semester, 1956.

Robert L. Morlan, University of Redlands, was recently elected president of the Citrus Belt division of the California League of Cities. At present he is also president of the Southern California Political Science Association.

Herbert J. Muller, Purdue University, has accepted a joint appointment in the departments of Government and English at Indiana University beginning September, 1956.

Sigmund Neumann, professor of government at Wesleyan, served as visiting professor at the Free University and the Deutsche Hochschule für Politik, Berlin during the summer term, 1955. For his sabbatical leave during 1955–56 he has joined the Institute for Advanced Study, Princeton.

Gerhart Niemeyer has been appointed professor of political science at the University of Notre Dame. During the summer of 1955, he was visiting professor on the Graduate Faculty of the New School for Social Research. He has also been appointed consultant to the Foreign Policy Research Institute at the University of Pennsylvania.

S. M. Pomrenze has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in records and archives administration.

Vladimir Reisky-Dubnic has been appointed instructor in political science at Washington College, Chestertown, Maryland, for the second semester of this academic year.

John S. Reshetar, Jr. has been appointed a Research Fellow of the Foreign Policy Research Institute of the University of Pennsylvania.

Bennett M. Rich served during the summer of 1955 as a consultant to the Institute of Public Administration, University of the Philippines. He returned to his duties with the Bureau of Government Research and the department of political science, Rutgers University, in September, 1955.

Edgar S. Robinson has been promoted to the rank of associate professor in government and public administration at the American University.

Richard F. Schier was appointed chairman of the department of government at Franklin and Marshall College for the year 1955–56.

Daw Mya Sein, University of Rangoon, Burma has been designated as the first lecturer from that country to the United States on the U Nu Lectureship sponsored by the Asia Foundation. She will be in residence under the auspices of the department of government and the Burma Research Project of New York University for six weeks beginning in April, 1956.

Constance E. Smith, assistant professor of government at Wheaton College, will be the acting academic dean during the spring semester of 1956.

Donald E. Smith was appointed instructor in political science at the University of Pennsylvania in September, 1955.

Donald P. Sparks has been appointed to the faculty of the department of government and public administration at the American University as lecturer in governments of the Middle East.

Marie C. Stark has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in record and archives administration.

E. W. Steele has returned to the University of Vermont as instructor in political science after two years of graduate work at Princeton University.

Kurt Steiner is acting assistant professor of political science at Stanford University for the academic year, 1955–56. He replaces Philip W. Buck, who is in England on sabbatical leave.

John G. Stoessinger, formerly an instructor at Wellesley College, has joined the department of government and law at Babson Institute of Business Administration.

Octavio J. Tocchio has been appointed to the faculty of the department of government and public administration of the American University as a lecturer in American Government.

Vernon Van Dyke, of the State University of Iowa, has been appointed Research Professor for the second semester, 1955–56 and will devote himself exclusively to research and writing.

Karl Von Vorys, who recently received his Ph.D. from Georgetown University, has been appointed assistant professor of government at the University of South Dakota.

E. V. Walter has been promoted to the rank of associate professor of political science at Ohio Wesleyan University and has been reappointed chairman of the department of political science for a two-year period ending June, 1958.

Harold W. Ward, formerly of Cornell College, has recently accepted an appointment as associate professor of government at Southern Illinois University.

Norman Wengert has resigned as chairman of the social science department at North Dakota Agricultural College. He joined the staff of Resources for the Future, Inc., on January 1, 1956 to work on a natural resources policy history project and will resume academic duties as professor of public administration at the University of Maryland in September, 1956.

K. C. Wheare, of Oxford University, will serve as visiting professor of political science at Duke University during the spring semester of 1956.

J. Roffe Wike has been appointed an instructor in political science at the University of Pennsylvania. He is also serving as a member of the Editorial Advisory Board of *Current History* magazine.

Daniel Wit, visiting professor of political science at the University of Michigan, has been appointed director of a Michigan Memorial-Phoenix Fund Research project dealing with the international implications of atomic power for American foreign policy.

W. Ross Yates is now assistant professor of political science at Lehigh University.

Raphael Zariski has become a member of the department of political science at Bennington College.

POLITICAL SCIENCE AWARDS PROGRAM

The American Political Science Association has announced a program of "Political Science Awards" to young reporters and their newspapers for outstanding stories on local and state government and politics. This program is made possible by a grant of $37,500 from The Ford Foundation.

Initially, competition for the awards will be limited to daily newspapers in 12 Midwestern states (North and South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan and Ohio). After a three-year trial period, it may be extended to newspapers in other areas.

The "Political Science Awards" program is an outgrowth of a study financed by the Poynter Fund, which was established by Mr. and Mrs. Nelson Poynter of the *St. Petersburg* (Fla.) *Times* and *Congressional Quarterly.* The Poynter Fund made a grant to The American Political Science Association to recommend ways to improve the selection and training of young journalists at the state and local level. The study was carried on with the assistance of a working group, including Ernest K. Lindley, Director of the Washington Bureau of *Newsweek* Magazine; Roscoe Drummond, Chief of the Washington Bureau of the *New York Herald-Tribune;* Edward Lindsay, Publisher of Lindsay-Schaub Newspapers in Decatur, Illinois; and several other prominent journalists and political scientists.

The purpose of the "Political Science Awards" program, is to encourage and help to hold promising political reporters at the state and local level and to establish a closer bond between political scientists and local newspapers. Winners will be chosen on the basis of a competition for the best articles or series of articles on any phase of state or local government or politics. For the first year's awards, articles to be judged must have been printed between January 1, 1955, and June 1, 1956. The criteria will be: (1) ability to clarify a complex issue; (2) persistence and imaginativeness of research; (3) originality of presentation; and (4) writing skill.

Articles will be judged by a committee consisting of the following journalists and political scientists: Charles S. Hyneman, Department of Political Science, Northwestern University, Chairman; Arthur Naftalin, Commissioner of Administration, State of Minnesota; Ralph Nafziger, Director, School of Journalism, University of Wisconsin; James E. Pollard, Director, School of Journalism, The Ohio State University; Wallace Carroll, Washington Bureau, *The New York Times;* Lyle Wilson, Chief of Washington Bureau, United Press; Barnet Nover, Chief of Washington Bureau, *Denver Post;* Alfred Friendly, Managing Editor, *Washington Post and Times-Herald;* Nelson Poynter, Editor and Publisher, *St Petersburg* (Fla.) *Times* and *Congressional Quarterly.*

Candiates will be limited to men and women between the ages of 25 and 35 who are employed full time on the staffs of daily newspapers. Articles for consideration may be submitted to The American Political Science Association, 1726 Massachusetts Avenue, N.W., Washington 6, D. C., postmarked no later than July 1, 1956.

Award-winning reporters will attend a two-weeks "Conference on Public Affairs Reporting" with all expenses paid at Allerton Park, University of Illinois from December 1 to 15, 1956.

The conference will be directed by Dr. Ralph D. Casey, Director of the University of Minnesota School of Journalism, who is also trained in political science. Discussions on all phases of state house, city hall, and local and state political reporting will be led by some of the nation's leading journalists and political scientists.

Special plaques will be presented both to the winning reporter and to the newspaper for which he works.

The Association's Congressional Fellowship Program was recently paid a very high tribute on the Senate floor by Senators Barkley, Goldwater, Humphrey, Ives, Lehman, and Sparkman. The nature of the program was described, the work of the Fellows was highly praised, and the entire program was heartily endorsed by all the senators who spoke. The discussion appeared in the *Congressional Record,* January 12, 1956.

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